S. HRG. 100-326

PENDING FISHERIES AND WILDLIFE LEGISLATION

HEARING

BEFORE THE

SUBCOMMITTEE ON
ENVIRONMENTAL PROTECTION

OF THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

S. 1143, S. 1193, and S. 1389

SEPTEMBER 10, 1987

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PENDING FISHERIES AND WILDLIFE LEGISLATION

THURSDAY, SEPTEMBER 10, 1987

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 406, Dirksen Senate Office Building, Hon. George J. Mitchell (chairman of the subcommittee) presiding.

Present: Senators Mitchell, Lautenberg, Baucus, Chafee, and Durenberger.

OPENING STATEMENT OF HON. GEORGE J . MITCHELL, U.S. SENATOR FROM THE STATE OF MAINE

Senator MITCHELL. Good morning, ladies and gentlemen. At this hearing we will consider a number of bills concerning fisheries and wildlife which are pending before the subcommittee, and we will review implementation of the North American Waterfowl Management Plan.

The management plan was signed last year by the Secretary of the Interior and the Canadian Minister of the Environment. It sets forth an unprecedented cooperative strategy to protect waterfowl habitat and restore the numbers of ducks, geese and swans in North America. Increased efforts to achieve these goals have never been more necessary. The average number of ducks in North America over the past 3 years has been lower than any comparable period on record. The number of breeding ducks comparably averages only a little more than half the number present in the 1970's.

Of particular concern to me is the plight of the black duck, a species prized by the people in Maine and elsewhere in the eastern United States and Canada. This year there are fewer black ducks than at any time during the past three decades. The key factor in this alarming decline in our continent's waterfowl populations is the continuing destruction of wetlands and other habitat. In short, existing public and private wetland protection efforts have been inadequate.

The North American Waterfowl Management Plan calls for a greatly expanded habitat protection effort by the national governments of the United States and Canada, by State, Provincial, territorial and local governments, and by private individuals, conservation organizations and businesses. Successful rebuilding of waterfowl numbers according to the plan will require the restoration,

protection and improvement of almost 6 million acres of habitat in the United States and Canada by the turn of the century. Importantly, the plan gives high priority to preserving habitats essential to the black duck, including protection of an additional 60,000 acres along the eastern coast of the United States and Canada.

Unfortunately, the plan fails to back up its ambitious goals with any commitment for funding. Indeed, the plan fails to lay out any strategy for implementation. One of the things we will do today, then, is hear from our witnesses on what is being done currently and what should be done in the years ahead to protect the habitats needed to bring waterfowl populations back to the levels once enjoyed.

We will also consider today the activities of the National Fish and Wildlife Foundation, including its role in implementation of the North American Waterfowl Management Plan. This independent conservation organization was established by Congress in 1984 to develop private support for selected programs and activities of the U.S. Fish and Wildlife Service which cannot be addressed adequately through traditional government channels.

Earlier this year, Senator Chafee and I introduced legislation to carefully expand the fish and wildlife conservation activities of the foundation. Under this bill, the foundation would be allowed to receive increased Federal appropriations for matching with private and other non-Federal contributions. The foundation has been extremely successful in using the very limited matching funding made available by Congress to attract private donations in support of its activities. The change in the foundation's enabling legislation which Senator Chafee and I have proposed would take advantage of this success to provide greater support with fewer Federal dollars for conservation projects, such as the North American Waterfowl Management Plan, where there is a clear Federal interest.

Finally, this morning we will receive testimony on two additional bills pending before the committee. One of these bills, introduced by Senators Matsunaga and Inouye, would expand Kilauea Point National Wildlife Refuge in Hawaii. The other, introduced by Senators McConnell and Ford, would transfer the Frankfort National Fish Hatchery to the Commonwealth of Kentucky.

Senator Matsunaga has been necessarily delayed, and as a result will be coming in later, and when he does we will interrupt the proceedings to permit him to testify. We welcome the remaining witnesses on the panel, and I think the best thing to do is to go in the order listed, to begin with Mr. Frank Dunkle, Director of the U.S. Fish and Wildlife Service. Mr. Dunkle is a regular witness before this committee.

We welcome you and look forward to receiving your testimony, Mr. Dunkle.

STATEMENT OF FRANK DUNKLE, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. DUNKLE. Thank you, Mr. Chairman. I mentioned to you earlier that I left Portland, Maine, this morning at 6:30, and commented that I would rather have stayed there than meet with you this morning—no personal offense, of course.

Senator MITCHELL. Well, maybe next time, Mr. Dunkle, we can arrange to have a meeting in Maine so we can both be there.

Mr. DUNKLE. I will look forward to that.

Senator MITCHELL. Right. Ordinarily the subcommittee rules for witnesses are that witnesses are asked to submit written statements prior to their testimony which will be inserted in full in the record and to summarize their remarks to 5 minutes or less. This panel of lights here keeps track of the time, and when the red light comes on, your time is up. We also, however, permit those representing the Administration to take such time as they feel necessary, so we don't impose the 5-minute rule on Administration witnesses. I will say Mr. Dunkle has always been one of the best observers of the 5-minute rule, even though he has never had to.

So, Mr. Dunkle, you take as much time as you like; and to the other witnesses, I hope you won't feel subject to discrimination but we will ask you to limit your remarks to 5 minutes.

Mr. DUNKLE. Thank you, Mr. Chairman. It is a pleasure to be here and to testify. I will discuss the legislation regarding the Frankfort fish hatchery and the wildlife refuge in Hawaii at the end of my presentation. Is that appropriate?

Senator MITCHELL. Whatever you prefer.

Mr. DUNKLE. You do not want to wait for the other Senators to arrive for the testimony, then?

Senator MITCHELL. No. You can go ahead.

Mr. DUNKLE. I could discuss the hatchery and refuge bill first, and then move on to the legislation concerning the Fish and Wildlife Foundation.

Senator MITCHELL. Fine.

Mr. DUNKLE. I would like to introduce Mr. Gary Edwards, Assistant Director for Fishery Resources, and William Hartwig, the Director of the Division of Realty, who will be available to answer related questions if the committee so desires.

My final testimony which was submitted prior to the hearing discusses the three bills. I will make every effort to observe the 5-minute rule, sir.

Senator MITCHELL. Thank you.

Mr. DUNKLE. S. 1143 would transfer the Frankfort National Fish Hatchery to the Commonwealth of Kentucky. The Service opposes the legislation but supports the hatchery transfer. Now this position indicates that we are stepping on both sides of the line. The idea is that——

Senator MITCHELL. We are supposed to do that, Mr. Dunkle, not you.

Mr. DUNKLE. My background as a politician keeps coming out occasionally.

Kentucky currently is funding and operating the hatchery under a 25 year lease that was just signed in 1986. The hatchery production does not further any of the Federal Fishery responsibilities. Kentucky originally donated the site to the United States and authority exists for us to transfer the hatchery back to the State. If the committee feels that this explanation is acceptable, we would like you to consider it when you make your decisions regarding the legislation.

Senator MITCHELL. All right.

Mr. DUNKLE. S. 1193 would authorize the acquisition of approximately 139 acres for the 35-acre Kilauea Point National Wildlife Refuge as well as $8 million for the acquisition. Although the Service favors the opportunity for acquisition, it does not support the bill at this point.

The Service is now negotiating with one of the owners of one of the two tracts to examine donation possibilities. This bill reduces the potential for donation since it would authorize lending for direct purchase. The 38-acre tract is valued at $1.5 million.

Senator MITCHELL. Excuse me, Mr. Dunkle. Senator Chafee, who is the ranking member of the subcommittee and was, for 6 years, its distinguished chairman, is present. He has another meeting which he must go to, but I merely wanted to note his presence for the record and to say that we will be glad to take any statement and place it in the record at a later time, from Senator Chafee.

Senator CHAFEE. Thank you very much, Mr. Chairman, and I want to say I appreciate your courtesy. I am sorry that I can't stay because of the Aging Committee meeting that I am a little late for now, but I do want to say how important this subcommittee meeting is. We will be monitoring the testimony, and it is nice to see Mr. Dunkle again. I'm glad he is here.

Mr. DUNKLE. Good morning, Senator.

Senator MITCHELL. Thank you, Senator Chafee.

Pardon the interruption, Mr. Dunkle. Please proceed.

Mr. DUNKLE. Yes. The 38-acre tract, the second part of the possible acquisition, is valued at $1.5 million. It is thought to provide good habitat for Hawaiian seabirds and for the threatened Townsend's shearwater, but it only ranks 30th among the Service's 48 acquisition priorities. Due to budget constraints we are working within the top 30 areas for acquisition.

We would recommend that the Committree delay action on the bill until we have concluded all of the negotiations. We think we can complete all of the acquisitions and additions to the refuge for considerably less than $8 million, if given the opportunity. It would therefore be our recommendation that you delay action and allow us the opportunity to pursue negotiation possibilities.

That concludes my remarks regarding both the hatchery and the refuge, Mr. Chairman.

Senator MITCHELL. Fine.

Mr. DUNKLE. I would now like to discuss the National Fish and Wildlife Foundation legislation, and would like to make it very clear that the Fish and Wildlife Service and the Department support the Foundation's activities. We wholly support the direction that it is taking, and probably are among its most supportive backers and participants.

However, the Department does not support the increased authorization to appropriations, due to the budget constraints and the deficit, and the fact that we have been promoting the idea that the foundation will become a self-supporting organization. The Service, however, supports the land acquisition and management and disposal restrictions of both the House and Senate bills. The Department supports the authority for the Foundation's foreign activities but recommends certain amendments which are included in detail in my written testimony.

I would now like to discuss the North American Waterfowl plan. The plan was signed between Canada and the United States in 1986, and the strategy outlined was for a cooperative management of waterfowl habitat areas and waterfowl habitat protection efforts. The underlying facts are that 75 percent of the ducks are produced in Canada, and this percentage constitutes a major portion of the demand in the United States. These waterfowl flow south and become an important part of the recreational sport of waterfowl hunting in the United States.

The plan calls for the participation of non-Federal entities. It is truly a move to bring the Federal Government and private waterfowl interests together, to work together as partners, and move forward on waterfowl protection and the protection of waterfowl habitat. The plan adds one other feature to that, and that is the opportunity for Canada and the United States and private groups to work together in the protection of habitat, in the enhancement of habitat, and in promoting the waterfowl populations throughout North America.

The Service is the lead for U.S. participation in the plan which includes wetlands, acquisition, the use of royalties from the sale of duck stamps for wetlands, and aggressively pursuing opportunities to the Sevice from the farm bill. We have worked out a series of agreements with the Soil Conservation Service and with the Farmers Home Administration on inventory properties and on other properties that could be considered, both for those properties to be set aside for waterfowl or wetlands protection and for deed restrictions.

I think this a presents the first time that Soil Conservation Service and the Farmers Home Administration have been working closely with the Fish and Wildlife Service. Although these two agencies have focused on farming and have not always considered wildlife, we are now sitting around the table working in the best interests of wetland protection. I am proud of the fact that the three agencies can sit and talk, and I think that the wildlife resource in the United States will certainly be enhanced for this.

This is an important area, since those lands that are considered to be set aside can be utilized the States and by other private groups for development or enhancement of waterfowl use through wetland protection. We certainly have taken advantage of this opportunity and we are working cooperatively with the States, with private groups and with two other Federal agencies involved in agriculture.

The North American Watefowl Plan outlines methods for the service to implement the plan at the regional level and to develop a close working relationship with the States. I think it is important that the States and the Service work closely together on an international venture for the protection of waterfowl habitat.

We are able under the plan to carefully review the waterfowl harvest in line with the goals of the plan. It is an opportunity to look carefully at and work carefully with others to reduce the nonhunting mortality that we find as a result of vanishing wetlands, of wintering waterfowl population problems, and I would add, in pesticides and other waterfowl problems.

It also offers an opportunity for the Service to review and develop an intensified plan for the production of waterfowl on Federal lands. As we review more carefully what we are doing in our refuge system, we find that we have some additional opportunities and it has given us some perspective that we did not have before.

The plan also represents an opportunity for the United States and the cooperators in the United States, in concert with Canada and their private entities, to intensify problem-oriented waterfowl research. The Plan is international in character, rather than provincial in the United States and State-by-State.

The Foundation, of course, is playing a very important role in assisting the Service's needs. The Foundation can help in this offer by working with private entities, and it has proven to be very efficient in bringing together private groups to assist in research areas for which we do not have money. Certainly, I think that the approach has been outstanding.

I would highly recommend to you, Mr. Chairman, and to the Committee, that you favorably consider the Senate bill and that you consider the Department's recommendations in terms of some of the restrictions and problems. I would mention again that we do have a problem with the authorized spending levels, because of the deficit and budgetary constraints. However, we view the other provisions of the bill as very positive. I would recommend, too, that you give careful consideration to the Department's recommendations for certain amendments.

Mr. Chairman, that concludes my oral testimony. I am prepared to answer questions, and as you review the details of the written testimony, I would be very happy to give you background information on each of the recommendations.

Senator MITCHELL. Thank you very much, Mr. Dunkle. We will defer the questioning until all of the witnesses have completed their statements. I do have several questions for you, however.

The next witness is Mr. Charles Collins, the Executive Director of the National Fish and Wildlife Foundation.

Mr. Collins, welcome. The green light means you can keep going. The orange light means think about terminating. The red light means stop.

STATEMENT OF CHARLES COLLINS, EXECUTIVE DIRECTOR, NATIONAL FISH AND WILDLIFE FOUNDATION

Mr. COLLINS. Thank you, Mr. Chairman. I am pleased to present this testimony to the committee on behalf of my board of directors today.

The foundation was established by the National Fish and Wildlife Foundation Establishment Act in 1984, to raise private funds to benefit the programs of the U.S. Fish and Wildlife Service and to conduct other activities that will enhance the Nation's fish, wildlife and plant resources. The board was appointed in 1985 and I was hired as the Executive Director in January, 1986.

The evolution of the foundation and the implementation of its programs has been exceptional. In just under 2 years the foundation has become an active and vital organization that has raised over $2 million—$750,000 from our conservation stamp and print

program, $1 million in private grants, including $235,000 from the board, and a $250,000 matching grant from Congress. A small but energetic staff has been hired. Twenty-four projects are underway, and excellent working relationships have been forged with members of the private conservation community, Federal and State wildlife agencies, and Congress.

The foundation's 24 current projects range from endangered species recovery, to public information and education programs, to habitat protection and refuge acquisitions. Examples include wetland protection in California, grizzly bear recovery, spotted owl research, Atlantic salmon and striped bass restoration, bald eagle recovery, and Chesapeake Bay education programs.

As we select projects, we strive to single out those where our participation provides a catalytic effect and enhances public-private cooperation or establishes a precedent for action or, through public information and education, broadens the level of general public support for important wildlife and fisheries resource protection programs. In addition, we specifically exclude projects that would provide funding simply to fill shortfalls in Government agency operating budgets. The foundation's role is really that of an auxiliary force which can reach out to the private sector to encourage public support for new initiatives.

The foundation has expanded its cooperative undertakings well beyond the Fish and Wildlife Service, to include the U.S. Forest Service, National Park Service, and Bureau of Land Management. In addition, 23 States and 15 of the Nation's leading conservation groups are actively participating in existing projects. As we have developed our program, the foundation has attempted to maintain close coordination and consultation with congressional Members and staff. As a result, congressional confidence in the foundation has grown.

The report language accompanying H.R. 2020 clearly suggests an evolution in confidence in the foundation. The report credits the foundation's successful fundraising record, which has exceeded the original expectations of the committee, and goes on to state:

> The expenditure of Federal funds to match private funds raised by the foundation serves to multiply the purchasing power of Federal dollars for fish and wildlife enhancement and hence, a higher authorization level is in the national interest.

The principal issue addressed by the legislative amendments provided in S. 1389 and title 2 of H.R. 2020 is, first, the use of substantial sums of federally-appropriated dollars for foundation programs and, secondly, sending a portion of these funds to foreign countries, in this particular instance to Canada. The issue of increasing the authorization of Federal dollars, section 3 of S. 1389, grows directly from the success of the matching fund concept. The foundation's record of fundraising is exemplary. Please recognize that fundraising in the conservation field is extremely competitive, and we have done our utmost to avoid placing the foundation in a posture of competing with existing organizations for their donors.

In large part, the foundation's success is creditable toward the matching fund concept. Our donors, which have included some of the Nation's largest conservation groups, are attracted to the fact that their investment in the foundation and our projects may be

matched by congressionally appropriated funds. They also recognize the foundation's demonstrated capacity to coordinate with Federal and State agencies and private sector interests that goes beyond mere lip service. The result is that a relatively small Federal investment can attract very significant amounts of State and private monies to maximize the impact of the Federal involvement.

The second issue at hand, sending these public/private funds to Canada, embodied in section 201 of title 2, H.R. 2020, to implement the North American Waterfowl Management Plan, should not be an issue. Since 1916, with the signing of the first Migratory Bird Treaty Act, this country has recognized that migratory birds are an international resource whose conservation and management requires transnational coordination and investments. We recognize that sending Federal funds to Canada is in a way unprecedented, but in fact it is entirely logical and decades overdue. However, the most compelling reason for sending funds to Canada is that roughly 75 percent of our continental waterfowl population breeds in Canada, and almost 80 percent of those birds are harvested on our side of the border.

Let me make a couple of final points clarifying the origins of our involvement in this effort. First, the North American Waterfowl Management Plans is a plan without a funding mechanism, and without funding there could be no action to implement the plan.

Second, I want to stress that while we focus on this novel funding mechanism, that we not lose site of the precarious status of the wildlife resource that is the incentive for this action. With the exception of a few success stories with individual species, today waterfowl populations are at their lowest levels in recent history, primarily as a result of the broad-scale conversion of wetlands to agriculture in the prairie pothole regions of the U.S. and Canada, as well as the loss of wintering habitat in the U.S.

Third, although much discussion today will focus on the prairie joint venture initiative in Canada, I want to stress that the primary focus of the foundation will continue to be on the implementation of U.S. projects and the U.S. goals of the North American plan.

Finally, the most important feature of the proposed action is that for the first time in history we have a coalition of international, Federal, State and private entities committed to a cooperative conservation program of unprecedented scale.

Thank you very much.

Senator MITCHELL. Thank you, Mr. Collins.

Senator Matsunaga has arrived and we are now pleased to call upon him for his statement.

Welcome, Senator.

STATEMENT OF HON. SPARK M. MATSUNAGA, U.S. SENATOR FROM THE STATE OF HAWAII

Senator MATSUNAGA. Thank you very much, Mr. Chairman and members of the subcommittee.

Senator MITCHELL. You should know that Mr. Dunkle has already opposed your legislation, so you have an uphill battle right before you say a word.

Senator MATSUNAGA. Well, I will read his testimony but as I understand it, it is not opposition, it is just a matter of delay.

Senator MITCHELL. Right. I think that is more accurate.

Senator MATSUNAGA. I wish to thank you, Mr. Chairman, for holding these hearings on environmental issues, and especially for including S. 1193 within their scope. I know that you have had a very busy spring and summer.

S. 1193, which I introduced with my senior colleague from Hawaii, Mr. Inouye, as cosponsor, is a simple and noncontroversial bill. It authorizes the United States Fish and Wildlife Service to acquire two parcels of land adjacent to the existing Kilauea National Wildlife Refuge on my home Island of Kauai in Hawaii, in order to extend the refuge. The bill further authorizes some simple improvements to the land, including the construction of fences and access trails for visitors.

Extension of the wildlife refuge is an idea which has the support of practically every major organization on the Island of Kauai and thousands of individuals as well. Counting petitions, I have received over 3,000 pleas for action on this matter. Somewhat to my surprise, I also have received a number of letters from families in other States of the Union who have visited the wildlife refuge during their trips to Hawaii, and they also have strongly urged me to act to extend the wildlife refuge in order to protect the rare seabirds which nest there. So, Mr. Chairman, this is not strictly a parochial issue.

The National Wildlife Refuge at Kilauea Point, located on the north side of the Island of Kauai, is a 31-acre site formerly occupied by the United States Coast Guard. A lighthouse was built there early in the 1900's, and in 1974 the U.S. Fish and Wildlife Service leased vacant Coast Guard land facilities at Kilauea for use as a wildlife administrative site so that the Hanalei and Huleia National Wildlife Refuges on Kauai could be monitored. The Coast Guard vacated Kilauea entirely in 1980 but continued to lease its facilities to the Fish and Wildlife Service until 1985, when the property was transferred to the Fish and Wildlife Service. The old lighthouse has since been designated a National Historic Landmark.

The wildlife refuge and surrounding area is the habitat of at least six species of rare seabirds, and sightings offshore of dolphins, whales, sea turtles and monk seals are not unusual. Always popular with residents of Hawaii, the wildlife refuge has in recent years become a favorite destination for visitors from all of the United States and Canada, Japan and Europe.

While still under the management of the Coast Guard in the early 1970's, the wildlife refuge was visited by 150 people per day. The number of visitors nearly doubled after the Fish and Wildlife Service made improvements aimed at enhancing observation and photography of the wild seabirds in 1974. When the Fish and Wildlife Service took over the site in 1980, one of the former Coast Guard buildings was converted to a simple visitor center. A small parking lot was constructed, interpretive displays were installed, and a visitor access trail was built. Since that time, the number of visitors has increased exponentially. Today the Kilauea National Wildlife Refuge attracts more than 450,000 visitors a year.

The increasing number of visitors and the rapidly increasing development of the land around the wildlife refuge have taxed the resources of the Fish and Wildlife Service and the small band of dedicated volunteers who assist in interpreting the wildlife, national and geological history of the area, as well as the cultural value of Kilauea Point, to the general public. In too many cases the habitat of the seabirds has been invaded by dogs and other marauders because of the lack of adequate fencing.

The acquisition of two adjacent parcels of land—Crater Hill, comprising about 101 acres, and Mokolea Point, comprising about 37 acres—and the construction of fences and visitor trails, where appropriate, would enable the Fish and Wildlife Service to provide better protection for the seabirds and, at the same time, enhance the experience of visitors to the wildlife refuge.

In closing, Mr. Chairman and members of the subcommittee, I would like to point out that negotiations to obtain these parcels of land have been going on for some time—at least 2 years. To date, however, neither parcel is in the hands of the Fish and Wildlife Service. It is my hope that these hearings and the subsequent enactment of S. 1193 will expedite the acquisition of the two parcels and the needed improvements to the wildlife refuge. I think that this should be at the very top of the Fish and Wildlife Service list of priorities, unless of course the number one priority is in the home town of the chairman in Maine.

Failure to act will mean the continued destruction and perhaps the total extinction of one of our Nation's most valuable natural resources.

Thank you very much, Mr. Chairman and members of the subcommittee, for your time.

Senator MITCHELL. Thank you very much, Senator Matsunaga. You are free to stay if you would like, Senator. I know you have other commitments that you have to make. Thank you very much.

We are pleased to be joined by other members of the subcommittee, and I will recognize them in the order in which they appeared at the hearing.

Senator Lautenberg?

Senator LAUTENBERG. I have no statement, Mr. Chairman, just to second what our colleague from Hawaii said about the importance of anything that takes place in that State. We hear it from both the Members of the United States Senate from Hawaii, and, of course, all of us always agree.

Mr. Chairman, thank you very much.

Senator MITCHELL. Thank you, Senator Lautenberg.

Senator Baucus?

Senator BAUCUS. Thank you very much. I have no statement, except to underline the statement of Senator Lautenberg.

Senator MITCHELL. Thank you, Senator Baucus.

Senator Durenberger?

Senator DURENBERGER. Well, Mr. Chairman, I feel like I have missed something. Did we work on Hawaii or Canada here this morning?

Senator MITCHELL. Just another request for Hawaii.

Senator DURENBERGER. Oh, really?

Senator MITCHELL. A routine day at the office.

Senator DURENBERGER. Very unusual. I saw he was making it from the right-hand side of the table. Does that portend anything in the future?

I do not have a statement, Mr. Chairman, I want to say that I believe in the importance of the Fish and Wildlife Service's management plan and their bilateral agreement with Canada and I feel strongly that we ought to be supplementing the investments in migratory bird habitat in Canada.

Senator MITCHELL. Thank you very much, Senator Durenberger.

We had already begun the testimony of the witnesses. Mr. Dunkle and Mr. Collins have testified. Our next witness is Mr. Gary Myers, Executive Director of the Tennessee Wildlife Resources Agency.

Mr. Myers, welcome. We look forward to hearing from you.

STATEMENT OF GARY MYERS, EXECUTIVE DIRECTOR, TENNESSEE WILDLIFE RESOURCES AGENCY, ON BEHALF OF THE INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Mr. MYERS. Thank you, Mr. Chairman. I am the immediate past president of the International Association of Fish and Wildlife Agencies, and currently chairman of the association's committee responsible for assisting with the implementation of the North American Waterfowl Plan. I am speaking on behalf of the International.

At our executive committee meeting last December, a strategy to send money to Canada to begin implementation of the North American Waterfowl Plan was discussed. The strategy evolved into the States coming up with $1 million, donating that $1 million to Ducks Unlimited, who in turn would match that money with $1 million private sector dollars. They in turn then would donate $2 million to the Fish and Wildlife Foundation, with the understanding that the foundation would then seek a congressional match of $2 million, making the package $4 million which would be sent to Canada, conditioned on a 50–50 match by Canada. The bottom line is that all of these funds are in place, with the exception of the Federal, U.S. money.

It then follows that the International Association wholeheartedly supports an amendment authorizing up to a $5 million annual appropriation from 1988 through 1993 for the foundation. Likewise, we support legislation which allows the foundation to cooperate with foreign governments in wildlife conservation activities. Such amendments are in full compliance with the spirit and direction of the North American Waterfowl Management Plan agreed to by our country through the Secretary of the Interior.

I covered most of the State involvement in detail in the written statement, so I will skip over that except to say that the plan identified 34 waterfowl habitat areas of major concern. The States can be most helpful in achieving the habitat objectives within their borders by promoting the use of existing Federal funding authorities, private initiatives, and through State authorities.

I believe that we can achieve the habitat goals of the plan within the State of Tennessee over the next 10 years, using existing State

and Federal programs, provided that these programs are properly funded. However, it may be more difficult in States having vast areas of habitat in critical need of protection and management. There, significant additional Federal assistance may be required. Future amendments to the farm bill might provide new funding opportunities, and a direct appropriation to supplement existing efforts would be helpful.

Using every available funding mechanism and taking advantage of every new opportunity that arises, I believe the U.S. portion of the North American Waterfowl Plan can be achieved over the next 15 years. The difficult problem involves getting significant funds to Canada. The plan calls for protecting 3.6 million additional acres of habitat in prairie Canada at a cost of $1 billion, with 75 percent of the cost being paid by U.S. participants.

It is appropriate to pause here to discuss responsibilities. Because waterfowl in North America move through 50 States, 10 Provinces, 2 Territories, and beyond, the Federal Governments of Canada and the U.S. have primary responsibility for waterfowl management, not 62 different authorities. This was decided by a treaty between the United States and Canada over 70 years ago, so we have traditionally expected the Federal Government to fund the major portion of our Nation's waterfowl programs.

Philosophically, to a State, we all feel that the U.S. Government should provide both the management and financial leadership where waterfowl are concerned. Since the U.S. harvests over 75 percent of the waterfowl produced in Canada, we agree that U.S. participants should pay 75 percent of the Canadian cost. Technically, it is a Federal responsibility, not a State and not a private responsibility, and Canada should certainly not be solely expected to pay for the production of our ducks. The States can and will send some of their own money north, but the U.S. must provide significant new funding if we really expect to succeed. Some money might come from annual appropriations. In the meantime, we must rely on our ingenuity, on a private/State/Federal partnership, to keep the plan alive.

The best vehicle for that purpose is the National Fish and Wildlife Foundation. They are housed in the Interior building here in Washington, near the Fish and Wildlife Service. They work well with the private sector, the States, the Federal Government and conservation organizations. Our hope is that you will grant the foundation expanded authority so that they can receive Canadian funds allocated for expenditure in the U.S., seek appropriate State, Federal and private matching funds, develop site-specific agreements with government bodies regarding the use of those funds, and work to send money to Canada. No other private U.S. entity is as well situated as the foundation to fulfill this vital need—to create the illusive private/State/Federal partnership so necessary to our present effort to launch the North American Waterfowl Management Plan.

In closing, I repeat, for over 70 years the Federal Government has been responsible for ensuring the welfare of waterfowl in our country. The States cannot, even if we wanted to, manage species which live beyond our borders for a significant portion of their life. The Federal Government must eventually assume primary finan-

cial responsibility for implementation of the plan in Canada, where most of our waterfowl are produced.

Thank you.

Senator MITCHELL. Thank you, Mr. Myers.

Our next witness is Mr. David Neave, the Executive Director of Wildlife Habitat Canada, Ottawa, Canada.

Welcome, Mr. Neave.

STATEMENT OF DAVID J. NEAVE, EXECUTIVE DIRECTOR, WILDLIFE HABITAT CANADA, OTTAWA, CANADA

Mr. NEAVE. Thank you very much, Mr. Chairman. I am the Executive Director of Habitat Canada, and I would like to first thank the Senators for the opportunity to appear here, because I believe our presence here illustrates the common purpose of the wildlife habitat organizations in both Canada and the United States.

Wildlife Habitat Canada is a nonprofit, tax-exempt foundation dedicated to the retention and enhancement of wildlife habitat. We have received a start-up grant from the Government of Canada three years ago, of $1 million; have subsequently repaid $2 million loan; and we have an annual budget of around $5 million. There are many similarities between the National Fish and Wildlife Foundation and ourselves. There are some technical differences, but we prefer to emphasize what we have in common—the goal the enhance and retain wildlife habitat.

Habitat Canada has three roles, including, first, acting as a catalyst to stimulate new and innovative habitat programs; secondly, to assess government legislative action; and, thirdly, to fund cooperative habitat programs. I should add that our project work has almost always included partners. We currently have 90 projects with more than 50 different partners.

We see a continuation of these activities and we see two pending developments. Both relate to the North American Waterfowl Management Plan. Initially, for the Prairie Habitat Joint Venture we have offered to act as a banker or an agent for disbursement of the plan funds in Canada. Secondly, we have challenged the Government of Canada to match a $2 million grant from ourselves, and if they match it—and we are optimistic that they will—we will have a $4 million endowment fund. We propose to use that money to establish a responsible administrative structure to oversee the plan's activities in Canada, fully accountable to all the plan's signatories and venture participants. We will operate on private sector standards of performance and efficiency, and our foundation operates much like yours in terms of both fiscal accountability and auditing procedures.

The subject of immediate concern today is the cooperative funding of the Quill Lakes project. We have called that the first step project. We have also called it the good faith project. Quill Lakes involves primarily land acquisition. However, our program in the long term includes acquisition, landowner incentive arrangements—such that are widespread in your country—and, thirdly, to influence policy direction in favor of habitat. We are aware of your strong sentiments in favor of acquisition but unfortunately in Canada the Canadian prairies and parklands region, which pro-

duces 65 percent of the breeding ducks in North America, is privately owned farmland. This nesting habitat cannot all be purchased and therefore requires, in addition to treatment by acquisition, a strong landowner incentive program as visualized both in the plan and the Prairie Habitat Joint Venture prospectus.

Just to summarize the hard facts, continental duck populations have shown a marked decline throughout this decade. The reproductive failures are due to continuing decline in both the quality and quantity of nesting cover in Canada. We understand your difficulties involved in sending significant amounts of money across an international border. However, most of the users of the North American waterfowl resource are here in the United States; Canada has most of the birds.

Let me refine this point. What happened to your prairies is now slowly happening to ours. I said Canada has the breeding ducks and the habitat. I should have said we have most of the ducks and the habitat that is left. We know what we have to do, and I am satisfied that we can do it. I want to leave you satisfied about our good will and good intentions. Canada cannot save the habitat alone; we just don't have the money for it. You can't save it alone; you don't have the habitat. We can bring it back, but to do so in a meaningful way, we have to act together. I hope I leave here today with your commitment in this regard.

Thank you very much, sir.

Senator MITCHELL. Thank you, Mr. Neave.

Our next witness is Mr. Michael Berger, Director of Government Relations for Ducks Unlimited, Inc.

Mr. Berger, welcome.

STATEMENT OF DR. MICHAEL BERGER, DIRECTOR OF GOVERNMENT RELATIONS, DUCKS UNLIMITED, INC.

Dr. BERGER. Thank you, Mr. Chairman. I want to take this opportunity to thank you for introducing S. 1389, which is so critical to the future of North America's waterfowl resources.

Ducks Unlimited is an international nonprofit private organization dedicated to the conservation of wetlands and waterfowl throughout North America. Since our incorporation in Washington, D.C. on January 29, 1937, we have held true to our original purpose, which is to raise money for developing, preserving, restoring and maintaining waterfowl habitat on the North American continent.

Though most of our money is raised in the United States, the majority of our wetlands work is done in Canada, where 70 percent of North America's waterfowl breed, and in Mexico where a great many of these birds winter. DU members, you see, are willing to send their dollars to our northern and southern neighbors because they realize, as does everyone here, that migrating waterfowl are not tied to political boundaries. Following the example set by the birds, DU's dollars and field work have transcended these geopolitical boundaries in order to protect precious waterfowl resources.

I wish to take this opportunity to summarize some of our other accomplishments, because we are very proud of them. More details are contained in my written testimony during our 50 years we

have raised from private sources $400 million. We have reserved some 4 million acres of waterfowl habitat and constructed over 3,000 wetlands projects in Canada, the United States and Mexico.

The important point to realize here is that wetlands are still continuing to decline. From an estimated 216 million acres of wetlands in the late 1700's, there are fewer than 92 million acres remaining today, and an additional 450,000 acres are lost each day in the United States. An analogous situation exists in Canada as well, and not until this trend of wetlands loss is stopped and reversed will DU's work be fully accomplished.

Because our organization is nonpolitical, we don't often entertain opportunities to testify before Congress, but the signing of the North American Waterfowl Management Plan last year catapulted a fundraising challenge into the private sector conservation arenas of Canada and the United States, a challenge the likes of which few of us had seen before. DU's volunteer leaders and professional staff are eager to implement the habitat protection provisions of the Plan and are anxious to see a variety of Plan fundraising momentums established which, over the plan course of 15 years, would generate the amounts of money needed to fulfill the Plan's ambitious goals. Of course, the establishment of this momentum is tied to the passage of S. 1389.

It is clear that the National Fish and Wildlife Foundation can plan a critical role in the implementation of the Plan through the expenditure of increased appropriated funds on a public sector/private sector matching basis. Sound, aggressive fundraising programs are the key to the Plan's success, and DU is pleased with the response that we have received from various State resource agencies to our $1 million challenge issued last spring. To date, nine States have pledged to contribute $800,000, moneys that will eventually match the $1 million DU has already pledged. These States have generously pledged moneys in anticipation of other matching moneys being available from the Federal Government and the Government of Canada. In fact, some States have conditioned their donations on this premise. Thus, if the Foundation cannot provide a match, the whole deal is off, so to speak. That is why S. 1389 is so important.

One of the elements most encouraging about the Plan to DU is the degree to which it has been carefully thought out. Its contents articulate a number of goals and objectives which must be targeted and the respective price tags for each of these goals.

Seeing that nasty light, I will proceed a little more rapidly.

I would like to explain why Canada is so important in this whole endeavor. We have heard before that Canada is where 70 percent of North America's waterfowl breed. But these same waterfowl migrate to and through the U.S. each year, providing millions of hunter-days of activity for American waterfowlers and millions more days of observation and enjoyment for non-waterfowlers. While the United States contributes less than 30 percent of the waterfowl in the fall flight, our sportsmen harvest 75 percent or more. That is why Ducks Unlimited's founders and present members send their dollars to Canada. Simply, it is in the best interest of the U.S. waterfowler to do that. For this reason, Ducks Unlimited would support and encourage this committee to include in S. 1389

that provision of H.R. 2020 which would enable the Foundation to conduct activities of benefit to waterfowl resources in foreign lands.

Senator MITCHELL. Thank you, Mr. Berger.

We will now proceed to questioning of the witnesses. In accordance with the committee rules, questioning will be in the order in which Senators appeared and will be 5 minutes each until all questions have been asked.

Mr. Dunkle, I am going to begin with you and ask you, under the Administration's fiscal year 1988 budget request, how much funding will be available for waterfowl habitat acquisition?

Mr. DUNKLE. I cannot give you the exact figure, Senator. I will insure that the figures are sent to you; however, the amount requested was at a level appropriate with our authorities.

Senator MITCHELL. Well, is it a fact that no discretionary funding will be requested?

Mr. DUNKLE. That is true, sir.

Senator MITCHELL. How many acres will be purchased with the funding levels that are included in the budget?

Mr. DUNKLE. Not very many.

Senator MITCHELL. That is a subjective term. Can you be more specific than that?

Mr. DUNKLE. Not at this point. I will provide that information for you, however.

Senator MITCHELL. Would you do that?

Mr. DUNKLE. Yes, sir. (See "Responses to Additional Questions," p. 46.)

Senator MITCHELL. How much funding will be made available in fiscal years 1988 and 1989 to begin protecting the 50,000 acres of additional black duck habitat on the East Coast of the United States, as recommended in the North American Waterfowl Plan?

Mr. DUNKLE. I will have to forward that information to you, Senator.

Senator MITCHELL. All right. How much of the funding made available for National Wildlife Refuges in those two fiscal years will be used to improve the 382,000 acres of habitat for black ducks on existing refuges?

Mr. DUNKLE. I will also have to forward that information to you.

Senator MITCHELL. All right. I have a number of other questions in this area. Let me ask a couple of others while I am on this subject.

Mr. Collins, how much private funding do you project will be raised annually by the foundation in the coming years to assist in implementation of the U.S. habitat conservation recommendations of the North American Waterfowl Management Plan?

Mr. COLLINS. Mr. Chairman, I can't give you a precise figure but I can only say that the foundation has developed a 3-year plan. The North American Waterfowl Management Plan is one of the three primary objectives in the plan, and it is the objective that we anticipate focusing a significant amount of our resources on. We feel that there is a substantial amount of private money to be raised in the United States.

In fact, as has been indicated by Mr. Berger, waterfowl and wetlands conservation have received the largest percentage of privately-raised conservation dollars of any single conservation issue in

the United States, and we are confident that we will be able to provide a substantial contribution to the overall effort. We have proposals in place now. We have a tentatively-identified chairman for a national fundraising campaign in place, and we are ready to proceed in short order. I do not have a precise figure for you, though, at this time.

Senator MITCHELL. Mr. Myers, how much will the States spend next year and in the subsequent years, as far as you can project, to protect and improve waterfowl habitat in those critical regions of the United States identified in the North American Waterfowl Management Plan?

Mr. MYERS. I don't have that figure either, Senator, I can speak for Tennessee. Over the next 10 years will probably spend $30 to $40 million State dollars. We are trying to get State general fund money (about $5 million), and we hope to take advantage of Federal opportunities. I think that we will spend at least $50 to $60 million in Tennessee over the next 10 years, and a small part of that will be Federal dollars. I don't know how many other States can follow through in a similar fashion.

Senator MITCHELL. Would you see if you could find out from other State officials like yourself?

Mr. MYERS. Yes, we'll find out.

Senator MITCHELL. All right.

Mr. Berger, how much will Ducks Unlimited spend next year and in the immediate coming years to protect and improve waterfowl habitat in those same critical regions?

Mr. BERGER. Mr. Chairman, most of our work, as I pointed out previously, is being done in areas of Canada which are covered by the North American Plan, and we moved into work in the United States about 4 years ago and are working primarily in the north central U.S., and with all of the States under another program which is detailed in my testimony.

It is important to note that the plan is to be in addition to ongoing programs. Ducks Unlimited will continue its traditional program of waterfowl conservation, and in that regard we will, during the next 15 years, on average spend probably in excess of $50 million each year in the United States, Mexico and Canada on waterfowl habitat development. However, the Plan is to be in addition to our work, and we will be investigating every opportunity that we can in working with other organizations and agencies to develop the funding necessary for the plan.

Senator MITCHELL. All right. Thank you, Mr. Berger.

Mr. Dunkle, on the question of Senator Matsunaga's bill and the National Wildlife Refuge in Hawaii, has the Administration requested any legislative authorization for funding for additions to the National Wildlife Refuge System since 1982?

Mr. DUNKLE. No, sir.

Senator MITCHELL. None?

Mr. DUNKLE. Not to my knowledge.

Senator MITCHELL. Mr. Dunkle, I want to go on to the subject of the implementation of the North American Waterfowl Plan in Canada. Doesn't your testimony opposing legislation to authorize use of U.S. funds for the Prairie Habitat Joint Venture or other activities in Canada effectively nullify a significant portion of the

habitat protection called for in the North American Waterfowl Plan?

Mr. DUNKLE. Yes, sir.

Senator MITCHELL. In other words, what is the meaning of the words in the plan which state, and I will now quote:

> Before the Governments of Canada or the United States could participate in a joint venture, specific authorization and appropriation of funds by the respective legislative bodies would be required.

That is in the plan—when the U.S. signatory to the plan now opposes any such action by the Congress? It is really the same question. We are telling Canada on the one hand, "Yes, we would like to work with you." Then we come back here and say, "We don't want to do anything."

Mr. DUNKLE. Mr. Chairman, perhaps I should clarify a point here. We are not opposing the authorization; we are opposing the funding.

Senator MITCHELL. Do you think it could be fair to describe that as an empty gesture?

Mr. DUNKLE. No, I do not think so. Activities have been authorized without related funding and the authorization has given us a platform to work from and put together a better request or a more legitimate request for money. I think that we may have to access our priorities in the Fish and Wildlife Service and re-examine some of the things we are doing with the plan.

I think that this is an area that we will have to give serious consideration to if the plan is to work; we are not, therefore, opposing the authorization measures that allow the foundation the opportunities. We are concerned, however, about the funding authorized due to budgetary constraints. We will have to discuss with the authorizing and the appropriations committees if there are some other priorities, and perhaps the North American Plan will have to take priority over these other areas. If we do not have the authorization, then it would not matter if funding were available.

Did I make my point, Senator.

Senator MITCHELL. Well, yes, you do, but I must say—I intended nothing personal to you, Mr. Dunkle, because we have dealt with you a lot and I like and respect you—I think it is charitable to describe this as an empty gesture. I think it could be described more accurately, more harshly. It is just another example of how this Administration makes promises to Canada and then turns around here in the legislative process and opposes any action that would have the practical effect of carrying out those promises, and I am simply amazed that the Canadians are not more hostile and skeptical of statements by the Administration calling for cooperation, because it just happens over and over again and it is just very difficult.

As Mr. Myers said in his statement, do you agree that the Federal Governments of the U.S. and Canada have had and must continue to have primary responsibility for waterfowl management?

Mr. DUNKLE. Yes, sir. I totally agree with that.

Senator MITCHELL. Well, if you agree with that, then shouldn't the United States Federal Government be willing to assume at least partial responsibility for financing of the implementation of

the North American Waterfowl Management Plan in Canada, which as all the witnesses have said is the principal location for the breeding of all these waterfowl?

Mr. DUNKLE. Mr. Chairman, I believe that is quite true, and as I indicated, the Department does support the activities authorized in the bill, but, because of the deficit, cannot support additional funding. If monies were available, certainly we would move straightforward to accomplish activities contained in the plan that have been agreed on. However, budgetary constraints lead us to support the activities authorized but not the increased funding. It may then be our problem to readjust our priorities if we are authorized to conduct these activities.

Senator MITCHELL. Well, isn't it correct that the changes you have requested in the legislation would prevent the appropriation of funds?

Mr. DUNKLE. No, sir.

Senator MITCHELL. It isn't? All right. I will get back to that in a moment.

I want to ask Mr. Neave, how much private funding from Canadian sources do you project will be provided annually by your organization in the future to assist in implementation of the Canadian habitat conservation recommendation of the waterfowl plan?

Mr. NEAVE. In our brief we tabled a summary of various agreements that were being developed in Canada, in each Province, and the amount of money that has been committed by provincial governments, Ducks Unlimited, for example, Habitat Canada. In eastern Canada we have committed collectively $35 million over three to five years, and in western Canada it is much higher. Wildlife Habitat Canada as a foundation is contributing 80 to 90 percent of their funds to the implementation of the wetland agreements which are the basis of the plan's program, so our current budget is $5 million and we will probably be putting in between $4 and $4.5 million.

Senator MITCHELL. What will be the consequences for the joint venture to protect waterfowl habitat in the Canadian prairies if no U.S. Federal funds are made available?

Mr. NEAVE. We, as I said, have a large number of agreements developed in Canada to implement the plan. They are based on the plan proceeding. There is very strong Government and non-Government enthusiasm to do something. The program will go along for a few years. Quill Lakes, which as I mentioned before is our first step, our good faith project, will proceed, but without the U.S. funding I would suggest that the enthusiasm will wane very quickly, and no matter what both the Government and non-Government agencies try to do, we will eventually no longer have these new and somewhat exciting ventures.

Senator MITCHELL. Mr. Dunkle, what I should have asked before is, isn't it correct that the changes requested in legislation would prevent appropriation of funds for use in Canada?

Mr. DUNKLE. Yes, sir. The Department's recommendation would permit the foundation to participate in foreign activities and to utilize any of their private funds for activities in other countries, but would limit the use of Federal funds.

Senator MITCHELL. I have some questions for you, Mr. Dunkle, that I am going to submit to you in writing and ask you to respond, in addition to the questions you have already indicated you would respond in writing.

Before I move from this panel, I would like to ask the other three witnesses, Mr. Berger, Mr. Collins, and Mr. Myers, if they would like to comment on the consequences if the Administration's position, as presented here by Mr. Dunkle, is simply accepted by the Congress.

Mr. BERGER. Clearly, as your questions indicate, Mr. Chairman, the funding is the bottom line. We have known this for some time. All the good will in the world doesn't get much accomplished when it comes to protecting wetlands and waterfowl.

The private sector has done, and I am most certain will continue to do, what it can to get this money into Canada for the purposes of the North American Plan. However, if Federal funds are not forthcoming and are not able to get across the border to do that work, then it is clearly too large an obligation and an undertaking for the private sector alone in the time envisioned by the Plan. Therefore, the result would either be a significant lengthening of the time frame envisioned by the Plan, which wetlands conservation in this country has experienced for too long already, or the Plan does not get accomplished.

If, as the other witnesses said, it is the Government's primary obligation—and under treaty it is so—then I think there is an obligation there to provide those resources to get the job done.

Senator MITCHELL. Thank you, Mr. Berger.

Mr. Collins?

Mr. COLLINS. Mr. Chairman, as I think I mentioned in my testimony, the interest of both the State and the private organizations in providing funds to the foundation for this purpose has primarily been due to the potential for receiving Federal matching funds, and I would suggest that without those funds, that the funding sources that we have made both preliminary contacts with and in some cases secured firm commitments from would not necessarily evaporate, but I think would be substantially diminished over time. I think it would have an adverse impact, certainly on our ability to participate in the overall effort in the plan.

Senator MITCHELL. Mr. Myers?

Mr. MYERS. I have been heavily involved in the last year with the Canadians, trying to figure out how to fund this plan, and have made three trips to Canada. I have talked to the Minister in Saskatchewan, and basically what he is saying I think is pretty plain: "Put up or shut up. Here is the plan. You say that you are going to send money. Let's see some."

The States have done all we know to do to get a game plan together to deliver some money and to begin implementation. The private sector has jumped in and done their part. The only missing partner in this whole affair is the Federal Government. They are the only real partner that has the legal responsibility. They are the only one that can really do this job, and if they are absent, then the whole game plan I think is destined to failure. I think the Canadians will eventually lose interest. We have all got important

things to do, and if what we work on doesn't bear fruit, we quit working on it.

I think that is what will happen here. It is essential that the Federal Government participate in this game plan that we put together. If they don't, the States will re-look at what they are doing. Some States may decide to fall out; some States may go ahead, but surely not with the enthusiasm that it will go forward with if we have a Federal participant. We just have to have the Federal Government. It is their responsibility.

Senator MITCHELL. Thank you very much, Mr. Myers. Thank all.

Mr. BERGER. Mr. Chairman?

Senator MITCHELL. Yes?

Mr. BERGER. If I might just follow up on that just a bit, we have at the present time a sense of cooperation and understanding and a high level of enthusiasm for this plan, and I think this is unprecedented in the history of waterfowl conservation. Everyone at all levels seems to be very supportive of this concept, and I think it would be a real shame to have to lose that faith over the next few years, but I think that faith and enthusiasm would be lost if it doesn't proceed.

Senator MITCHELL. Thank you.

Mr. Dunkle, did you want to comment? Go ahead.

Mr. DUNKLE. If I may, Mr. Chairman, let me clearly state that if the committee desires to proceed with this legislation, the Service will be prepared to carry out the dictates of the committee and will move forward enthusiastically. I think that the Congress does give the agencies and departments direction, regardless of Administrations, and that it is the duty of agencies and departments to carry out your recommendation, dictates and direction, and I would assure you the Service will do that.

Senator MITCHELL. All right. Thank you very much, Mr. Dunkle. I appreciate that affirmation.

Now the views of the Canadian Wildlife Service are important because the agency is responsible for much of the implementation of the North American Waterfowl Management Plan. I understand that the Director of the Canadian effort, Dr. James Patterson, is present but that he is unable to testify formally before Congress because Canadian policy prohibits such testimony by its officials. Is that correct, Dr. Patterson?

Mr. PATTERSON. Yes.

Senator MITCHELL. If agreeable to you, I would propose to adjourn the formal hearing and then, if you would be willing to do so, ask y u to come up to the table and perhaps I could get your views on an informal, not-recorded basis for the record. Therefore, I thank you gentlemen for appearing, and I will adjourn the formal portion of the hearing.

[Whereupon, at 11:15 a.m., the subcommittee adjourned, to reconvene at the call of the Chair.]

[Statements submitted for the record and the bills under consideration follow:]

Wendell Ford

FRANKFORT FISH HATCHERY (S.1143)

SENATOR WENDELL H. FORD

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

September 10, 1987

Mr. Chairman, Senator McConnell and I introduced S. 1143,which I hope will be the culmination of several years of effort to resolve the uncertainty over management and funding for the Frankfort National Fish Hatchery. The creation of the Frankfort National Fish Hatchery was the direct result of initiative on the part of the local community and the Kentucky State Fish and Wildlife Department.

Years ago, the Commonwealth of Kentucky realized a need for a fish spawning facility to stock the surrounding waterways. The Commonwealth, therefore, on January 15, 1952, deeded to the United States of America land along the Elkhorn Creek, land acquired from residents of Franklin County, Kentucky, to be used or construction of a warm water fish hatchery. The Federal Government subsequently agreed to operate the facility and has done so over the last 33 years.

Beginning in 1980, the Federal Government consistently attempted to close the facility. These attempts came at a time when improved sport fishing facilities were proving themselves as great tourist attractions, providing jobs and revenues to local, state, and Federal entities.

I have worked diligently each of these last eight years to secure adequate funding to continue the operation of the Frankfort National Fish Hatchery. Unfortunately, as Federal funding became scarce, $150,000 in FY86, the facility itself began to deteriorate as much needed improvements were ignored.

The deed from the Commonwealth of Kentucky to the Federal Government on this donated land contained no restrictions whatsoever. However, a common understanding existed that, as the State of Kentucky assisted in the management of the facility and, for that matter, was responsible for its very existence, the state would receive a larger share of the spawned fish.

Until 1985, Kentucky and the immediately surrounding states did indeed receive the large share, including black bass, walleye, catfish, and blue gill. The Federal Government, in that same year, dedicated 15 ponds, or 25 percent of the pond facilities to produce striped bass to be used for stocking the Chesapeake Bay.

I encouraged the State Department of Fish and Wildlife to look into acquiring the facility and taking control of the management. The Federal Government made it clear in 1980, when proposals to stop funding the facilility first appeared before Congress, that the facility was no longer a high priority. Although I welcomed the opportunity to supply the Chesapeake Bay with fish from the Frankfort facility, I felt the original understanding resulting from land conveyance had been broken. Furthermore, conservative estimates indicated that the Frankfort Fish Hatchery needed over $1 million in repairs and improvements to allow the facility to operate up to its full potential. Money, I point out, that would not have been coming from the Federal Government.

The Commonwealth of Kentucky, on October 1, 1986, entered into a Memorandum of Agreement (MOA) with the Federal Fish and Wildlife Service to assume full operation and associated costs of the facility. The State of Kentucky intends to improve the facility by upgrading the water supply system through a new deep well, construct a new hatchery building, rennovate existing structures and repair existing ponds. The state has committed over $70,000 for this year to do so.

Despite the fact that the State of Kentucky has assumed all responsibility for the facility, the Federal Government will continue to benefit from increased tourism and adequate stocking of Kentucky waterways.

Sounds like the perfect arrangement. However, the threat in the intervention and interference of the Federal Government hangs over the heads of those managing the facility. S. 1143 would resolve this matter. More to the point, transferring ownership of the Frankfort Fish Hatchery back to the Commonwealth of Kentucky is the proper and responsible thing for the Federal Government to do . After all, the Federal Government will only be returning what was given to it originally in 1952.

Statement of Senator Daniel K. Inouye
Before the Subcommittee on
Environmental Protection of the
Senate Environment and
Public Works Committee

September 10, 1987

Mr. Chairman and Members of the Committee:

I wish to thank you for giving me this opportunity to testify in support of S. 1193, a bill to authorize the expansion of the Kilauea Point Wildlife Refuge on Kauai, Hawaii.

I have always supported this wildlife refuge. You will note that in the FY 87 Continuing Appropriations Bill, $900,000 was included to expand the Visitor's Facility of this Refuge. In 1985 alone, this Refuge hosted over 350,000 visitors. In 1986 the figure was approximately 400,000.

In addition to the heavy visitors population, the expansion would authorize necessary funds to extend the refuge to include Crater Hill and Mokolea Point, enabling permanent public protection of the highest concentration of seabirds that inhabit the Hawaiian Islands.

Crater Hill is the host to such waterbirds as the Laysan albatros, nearly 1,500 pairs of wedgetailed shearwaters, and Hawaii's largest colony of red-footed boobies. Further the federally-listed endangered Hawaiian monk seal has been sighted at the base of the hill. This area is also frequented by the humpback whale and the threatened green sea turtle. This expansion would allow the necessary fencing to protect the seabirds from wilddogs that kill an estimated 75% of the hatchlings each year.

In the FY 88 Interior Appropriations Bill, $1.6 million is being requested to acquire the 37 acre parcel of Mokolea Point. The Crater Hill parcel is being donated in fee to the Fish and Wildlife Service. The passage of this authorization would ensure this funding, and make permanent the preservation of the habitat and scenery of the entire Kilauea Point/Crater Hill Shoreline.

Mr. Chairman, again thank you for this opportunity to testify in support of S.1193.

Statement of
Senator Mitch McConnell
before the
Subcommittee on Environmental Protection
Senate Committee on Environment and Public Works
September 10, 1987

Mr. Chairman, it is encouraging that the Subcommittee is holding hearings this morning on S. 1143, the legislation I introduced along with Senator Frod to return the Frankfort National Fish Hatchery to the Commonwealth of Kentucky.

In the early 1950's the Commonwealth of Kentucky decided that it needed a warm-water fish hatchery and acquired land on Elkhorn Creek near Frankfort for this purpose. However, with the agreement that the U.S. Fish and Wildlife Service would operate the facility, the land was transferred to the Federal government. The hatchery has served its purpose well over the past several decades in breeding channel catfish, black bass, bluegill, walleye and hybrid stripers for the waters of Kentucky and surrounding states.

Unfortunately, in recent years the Hatchery has not been adequately funded and was repeatedly placed on the closure list. Confronted with the latest attempt to close down the facility, Kentucky entered into a Memorandum of Agreement (MOA) with the Fish and Wildlife Service in October, 1986 to operate the facility under a 25-year lease. Having assumed operation, the Commonwealth intends

to make a substantial commitment of state dollars into the upgrading of the water supply system, the renovation of a number of leaking and silted ponds, the construction of a new hatchery building and the remodeling of three residences. Although the Commonwealth has assumed the financial and management obligations for operating the facility, the MOA contains untold restrictions that require the state to obtain specific approval on most management decisions or proposed changes to the facility.

The current arrangement is half-hatched and inefficient. The point is that the Federal government obviously does not and will not operate this hatchery, yet continues to assert management prerogatives and title to the very facility it hoped to abandon. Since the Commonwealth has already made a long-term commitment to run and finance the Hatchery for its maximum benefit, then it should be returned to its original owner without cumbersome restrictions.

Finally, such a transfer is not without precedent. The 99th Congress conveyed two national hatcheries under almost identical circumstances; one in New Hampshire and the other in Montana. We should do no less for Kentucky which has shown its commitment to the fish hatchery from its very conception in the 50's to today. I am convinced that placing the hatchery in the hands of the Commonwealth will provide for the highest and best use in the service of recreational fishermen of Kentucky and surrounding states.

The Subcommittee's consideration is appreciated, and I hope that S. 1143 will be reported to the full Senate in the near future.

79-530 O - 87 - 2

STATEMENT OF FRANK DUNKLE, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION, CONCERNING S. 1143, TO PROVIDE FOR THE CONVEYANCE OF THE FRANKFORT NATIONAL FISH HATCHERY TO THE COMMONWEALTH OF KENTUCKY

September 10, 1987

Mr. Chairman and members of the Subcommittee, I am happy to be here today to provide our views on S. 1143. This bill would transfer the Frankfort National Fish Hatchery to the Commonwealth of Kentucky.

The Frankfort hatchery was authorized in 1950 by a special act of Congress primarily to meet the growing demand for fish to stock farm ponds in Kentucky. In authorizing the hatchery, Congress noted that there were 120,000 farm ponds potentially suitable as productive fishing waters and that new ponds and lakes were being constructed at a rate of 12,000 a year. At the time, the Service was trying to address this need by transporting fish from national fish hatcheries in Arkansas, Alabama, and Indiana. Unfortunately, transporting fish these distances often resulted in extensive losses. Kentucky was, and still is, carrying out an aggressive farm pond management program, as well as rehabilitating and improving reservoir and stream fisheries. As a result of the growing popularity of sport fishing, the expansion of potentially productive waters, and the difficulty in transporting fish from other states, the demand was outstripping the supply of fish. Neither the State nor the Service had adequate facilities to meet the demand. Accordingly, Congress authorized the Frankfort hatchery, and the Commonwealth of Kentucky donated the 114-acre site.

During the time that the Service operated the Frankfort hatchery, fish were reared primarily for management of Commonwealth-managed waters. Some fish were also reared for waters in eastern Tennessee. In recent years, nearly 100 percent of the hatchery's production was distributed to State-managed waters.

In 1983, the Service began redirecting its fishery program toward high priority Federal responsibilities. Since most of the fish produced at Frankfort were for State-managed waters, the Service recommended that operation of the hatchery be transferred to the State. At the beginning of fiscal year 1987, the Commonwealth of Kentucky assumed operation of the hatchery under a 25-year agreement. Kentucky is currently funding and operating the hatchery.

If enacted, S. 1143 would direct the Secretary of the Interior to convey the Frankfort National Fish Hatchery to the Commonwealth of Kentucky. The conveyance would be made without monetary consideration, but subject to the property being used as part of the Kentucky fishery resources management program in perpetuity or title would revert to the United States.

While the Administration supports transfer of the hatchery, we oppose the legislation, since the bill's objective can be accomplished under existing law. Title 16, United States Code, section 667b-d, authorizes the conveyance of surplus real property for wildlife conservation use without monetary consideration. Given these existing procedures, the Administration views this legislation as unnecessary and recommends that the conveyance contemplated in S. 1143 be accomplished using a law of general application, rather than through special legislation.

I would be pleased to answer any questions you might have.

TESTIMONY OF FRANK DUNKLE, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, REGARDING S. 1193, AUTHORIZING THE SECRETARY OF THE INTERIOR TO ACQUIRE ADDITIONAL LANDS AT THE KILAUEA POINT NATIONAL WILDLIFE REFUGE, HAWAII.

SEPTEMBER 10, 1987

Mr. Chairman, I am Frank Dunkle, Director of the U.S. Fish and Wildlife Service (Service). I am pleased to present our views on S. 1193, authorizing the Secretary of the Interior to acquire additional lands at Kilauea Point National Wildlife Refuge on Kauai, Hawaii.

These proposed inclusions to the existing refuge, they do not rank as high a national priority as other lands. The Kilauea Point project ranks 30th of 48 projects which I have given preliminary approval for development of detailed planning. Ranking of individual projects is primarily determined by the Land Acquisition Priority System which intitially ranks projects with projects of similar types, such as endangered species habitat, wetlands, or, in the case of Kilauea Point, areas of Nationally Significant Wildlife Habitat. Kilauea Point ranks 16th of 24 projects in its category, based on scentific criteria.

The second step of the Land Acquisition Priority System uses common factors, such as degree of threat, contribution toward accomplishment of Service goals, and potential public use, to compare relative importance between land acquisition categories. Fourteen (14) areas from the endangered species or wetlands categories were ranked higher than Kilauea Point, thus producing its 30th place ranking.

We oppose the $8 million dollar authorization and request that the Committee take no further action on this bill because we are in the process of negotiating the donation of the 101 acre parcel at Crater Hill.

The two areas in S. 1193 lie adjacent to Kilauea Point Refuge, on the northern coast of Kauai. This 35 acre refuge, acquired by land transfer from the U.S. Coast Guard in 1986, is a nesting area for several species of Hawaiian seabirds. Wildlife is abundant on the adjacent lands proposed for acquisition in this bill; dolphins, humpback whales and threatened green sea turtles inhabit the surrounding coastal waters. More that 250,000 visitors come to the refuge each year to enjoy its wildlife, the historic Coast Guard lighthouse, and the spectacular vistas.

The Fish and Wildlife Service has worked closely with the County, the landowners, and community organizations to insure that the unique values of the area are preserved. The 101 acre parcel cited in S. 1193, known as Crater Hill, receives protection from future adverse development by its inclusion into the Shoreline Management Area. In addition, tentative agreement between all parties has been reached for donation in fee of the Crater Hill parcel to the Service. The landowner has also agreed to build trails and complete most of the necessary fencing of the land.

The remaining 38 acres (Mokolea Point) is highly developable oceanfront property that has been optioned by the Trust for Public Lands as a possible future addition to the refuge. This land, valued at $1.5 million, would provide primary nesting habitat for resident shorebirds and threatened Townsend's shearwaters. Walking trails to wildlife areas and scenic vistas of the refuge would be provided for the public.

Mr. Chairman, this concludes my statment, I would be pleased to answer any questions you or other members of the Committee may have.

TESTIMONY OF FRANK DUNKLE, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION, RELATING TO S.1389, TO AMEND THE NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT

SEPTEMBER 10, 1987

Mr. Chairman, I appreciate the opportunity to appear before you today to discuss S.1389, which would amend the National Fish and Wildlife Foundation Establishment Act to clarify the Foundation's use of Federal funds for land acquisition. As you requested, I also welcome the chance to comment on how these amendments relate to the role the Foundation could play in the ongoing implemention of the North American Waterfowl Management Plan, for which, as you know Mr. Chairman, the Fish and Wildlife Service serves as the lead Federal agency.

We approve of most of the provisions included in S. 1389, but we have a number of concerns with this legislation as currently wri' n and cannot support it without amendments.

First, with respect to the provisions of the bill itself, S. 1389 limits the Fish and Wildlife Foundation's use of Federal funds for the acquisition of interests in real property. The Foundation would be authorized to use Federal funds for acquisitions only if long-term property interests are acquired and the Director of the Fish and Wildlife Service (Service) consents to the acquisition in writing. In addition, the Foundation would be required to convey to the Service for inclusion in the National Wildlife Refuge System any real property acquired

with Federal funds if requested to do so by the Director. Any request by the Director to the Foundation must be submitted in writing within one year of the acquisition. All properties acquired with Federal funds by the Foundation and held by it must be administered for the conservation and management of fish and wildlife and provide for public use and access.

The Foundation would also be authorized to convey to another person any real property acquired with Federal funds and to grant Federal funds to another person for the purpose of acquisition, if the Foundation receives in writing a finding by the Service's Director that such conveyance or provision of Federal funds meets the fish and wildlife conservation and management and public access and use requirements.

Additionally, S. 1389 provides that the Foundation must convey real property interests acquired with Federal funds if the Foundation and the Director agree, in writing, that the land is no longer valuable for fish and wildlife conservation and that the purposes of the Foundation would be better served by the use of the Federal funds for other Foundation activities. Such conveyances must be at not less than fair market value.

Finally, S. 1389 provides discretionary authority to the Foundation to reimburse the Secretary of the Interior for administrative services and authorizes annual appropriations of up to $5 million to the Department of the Interior for the Foundation in each of fiscal years 1988 through 1993.

You also asked that we address provisions of Title II of H. R. 2020, which contains amendments to the Foundation Establishment Act that are identical to S.1389 with one exception. H.R. 2020 would allow the Foundation to participate in activities associated with conservation and management of fish, wildlife, and plant resources at the international level. This amendment would allow the Foundation to work to conserve endangered, threatened, and migratory species that are important to the United States, but located in other countries. Migratory birds in particular are a vast international resource affected by habitat changes that transcend national boundries. This amendment would permit the Foundation to work in cooperation with the Fish and Wildlife Service, with Canada, Mexico, and Latin America in futherance of hemispheric waterfowl conservation in the true spirit of the North American Waterfowl Management Plan.

Mr. Chairman, the National Fish and Wildlife Foundation has great potential for playing a major catalytic role in protecting this Nation's fish, wildlife, and plant resources. The Foundation was established specifically to assist the Service to achieve its conservation mission and to more broadly further the conservation and management of the fish, wildlife, and plant resources of the United States for present and future generations of Americans. The Foundation works in a cooperative, nonconfrontational manner to develop mechanisms to help preserve these resources.

In its first two years, the Foundation has been extremely successful. It has raised $1,750,000 that has been utilized to protect and restore habitats, support research, increase public awareness about wildlife and fish, and provide for endangered species recovery. In particular, the Foundation has

financially supported: 1) studies of the endangered Kemp's Ridley sea turtle, 2) studies of the jaguar in Latin America, 3) stocking and tagging of Chesapeake bay striped bass, 4) translocating wild bighorn sheep, 5) management of grizzly bears, and 6) acquisition of lands for addition to the National Wildlife Refuge System. As indicated, some of these projects take place outside the borders of our country.

The North American Waterfowl Plan, signed in 1986 by the Canadian Minister of Environment and the Secretary of Interior, outlines a strategy for cooperative efforts to protect waterfowl habitat, build up declining waterfowl populations, and enhance waterfowl research and management. Due to drought in many important breeding areas, together with land use changes in those areas and migration and wintering areas further south, populations of important waterfowl species have declined at an alarming rate. For example, mallard populations remain well below the long-term average, pintail and blue-winged teal breeding populations in 1987 were the second lowest on record, and black duck numbers in 1987 were the lowest on record. The hunting season remains closed on the canvasback in the Central, Mississippi, and Atlantic Flyways because of low numbers of birds being produced in prairie Canada. The Plan outlines far-reaching efforts that must be taken in both countries to return waterfowl populations to levels that meet public demand.

The Plan may be described best as a series of goals, with a strategy for achieving them. The Plan recognizes that more than 75 percent of all ducks are produced in Canada, yet more than 75 percent of the demand is in the United States. Overall, the existing programs — such as wetland acquisition

in the U.S. with duck stamp revenues and Ducks Unlimited wetland protection efforts in Canada — have not been able to provide nesting and wintering areas sufficient to maintain abundant waterfowl. The Plan does not propose a Federal program, but rather acknowledges that the National governments of the two countries cannot carry out an effort of this scope without non-Federal assistance. It calls for the participation of State, Provincial, Territorial, and local governments; private conservation groups; businesses; and individual citizens. It describes what needs to be done on behalf of waterfowl by interested persons, whether they be hunters, naturalists, landowners, or subsistence users.

Specifically, the Plan:

- Establishes population goals for ducks, geese, and swans to be met by the year 2000.
- Establishes habitat protection goals for the U.S. and Canada to sustain duck populations consistent with population goals.
- Recommends joint ventures between private and government entities to attain major objectives, such as for Canadian prairie habitat, black duck management, and management of Arctic geese.
- Calls for a variety of approaches to protection and management of wetlands and associated uplands which benefit breeding waterfowl, and for attention to needed migration and wintering areas on both private and public lands.

- o Proposes research and further development of surveys and data bases on populations to enhance management.

- o Establishes a North American Waterfowl Management Plan Committee composed of Canadian and U.S. representatives to guide implementation of the plan.

The Service has the lead role in implementing the Plan in the U.S. through its representation on the North American Waterfowl Management Plan Committee.

The North American Plan calls for the restoration, protection and improvement of a total of almost 6 million acres of waterfowl habitat in the U.S. and Canada--2.3 million acres in the U.S. and 3.67 million in Canada--by the Year 2000. These management efforts are to be focused on mallards, pintails, and eastern black ducks, yet all waterfowl species, wildlife and fisheries inhabiting our wetlands and associated uplands will benefit. This is clearly the most ambitious undertaking ever launched on behalf of the waterfowl resources of North America.

The Plan states that this effort is not a fiscal commitment against the Federal governments of either the U.S. or Canada, but rather a goal to be achieved by Federal, State, and Provincial governments and the private sector. Some innovative methods to accomplish these goals have been designed and some of these have been implemented as follows:

1) As a result of the Emergency Wetlands Resources Act, for which this Committee deserves much credit, the cost of the duck stamp will increase from the present level of $7.50 to $15.00 by the 1991-92 season. The first increase of $2.50 occured in July of this year.

These increases will enable the Migratory Bird Commission to approve the acquisition of many more acres of waterfowl habitat in the United States.

2) The Service is considering methods to obtain royalties from the sale of prints of the winning duck stamp art, which is selected annually.

3) The National Fish and Wildlife Foundation has been established and is accepting endowments and other donations. Some of these funds will be used to help reach the Plan goals.

4) The Service has also attempted to capitalize upon the potentials of the Conservation Reserve, Swampbuster, Sodbuster, Debt Restructuring and Cross Compliance programs of the Food Security Act of 1985 to restore and enhance private waterfowl lands that are the subject of these Department of Agriculture efforts.

5) The Canadian Wildlife Service, in cooperation with Provincial agencies, has launched Wildlife Habitat Canada, a broad-reaching program designed to help meet the acquisition and development needs of the Plan. Wildlife Habitat Canada is the Canadian counterpart of our National Fish and Wildlife Foundation.

6) Exemplifying this cooperative effort, the U.S. and Canada will soon establish a Prairie Habitat Joint Venture to assess, acquire, and develop waterfowl habitats in prairie Canada. As a means of launching efforts in this area quickly, the concept of a First Step Project toward the Prairie Habitat Joint Venture was developed by Mr. Gary Myers of the International Association of Fish and Wildlife Agencies. In this

prototype First Step Project, up to $1 million would be committed by State wildlife agencies and be matched by Ducks Unlimited, Inc. The primary focus of the First Step Project will be the Quill Lakes area of Saskatchewan, a major waterfowl production and staging area for midcontinent mallards and pintails. To date, 9 states —New York, Maryland, Oklahoma, Arkansas, Illinois, Texas, Tennessee, California, and Colorado — have pledged $850,000. There are strong indications that other states will soon contribute the additional $150,000.

The $2 million combined funding will then be presented to the National Fish and Wildlife Foundation. This amount, and any additional money made available through the Foundation, will be matched by the Canadian government, up to a $4 million limit. Providing the Foundation with international authority is vital to completing this project.

Other efforts underway by the Service but not directly related to funding for waterfowl habitat acquisition and development are:

1) Developing planning documents to step down the Plan to the States and Service's Regions. These will include a National Waterfowl Management Plan and a number of Waterfowl Habitat Acquisition Concept Plans now being developed. The concept of establishing joint ventures among State governments, the Federal government, and the private sector is being actively pursued for habitat preservation in the U.S. Acquisition of black duck habitat will be a high priority for one or more of these joint ventures.

2) Regulating waterfowl harvest commensurate with populations and goals of the Plan.

3) Reducing non-hunting mortality, including implementation of steel shot zones nationally, and controlling the impacts of disease and contaminants on waterfowl.

4) Intensifying waterfowl production on Federal lands, especially by the seasonal management of mammalian predators that prey on duck nests and nesting females.

5) Conducting problem-oriented waterfowl research on improving breeding ground surveys and harvest estimates for ducks.

6) Developing breeding-ground surveys for geese and black ducks in cooperation with the Canadian Wildlife Service. These black duck surveys and other operational programs are taking place under a black duck joint venture between the U.S., Canada, and the northeastern states.

Mr. Chairman, as you can see, some very exciting things are happening to implement the Plan, and the Foundation can be very helpful to the Service in certain areas.

The North American Plan is a catalyst to encourage joint ventures between the private sector and Federal, State, Provincial, and Territorial governments as the primary solution to accomplishing its ambitious goals. In part, the Plan also recognizes a failure in the conservation efforts over the past 50 years to build a broad public constituency for wetlands and waterfowl conservation efforts. By focusing first on the private sector

and the forging of public/private partnerships, the Plan takes a major step toward remedying a failing of our past efforts. We view the Foundation as ideally suited to take a leadership role in coalescing the public and private components for this initiative. The Foundation is in an ideal position to act as a catalyst to the private sector to generate support and funds for the Plan.

The Foundation has established a North American Plan account to accept private sector contributions. It will play a key role in the First Step Project for a joint venture on the United States and Canadian pothole regions. This unique arrangement would combine State and private sector efforts to preserve habitats in prairie United States and Canada that provide waterfowl nesting, brooding, hunting, viewing and photographic opportunities for both nations.

In addition, the Foundation can, of course, also play an important role in attaining habitat preservation goals in the United States. The North American Plan identifies 5 key areas in the United States and establishes protection and acquisition goals for each. These areas are the prairie pothole region, Central Valley of California, in the wintering areas of the lower Mississippi river delta and gulf coast, middle upper Atlantic coast, and lower Great Lakes-St. Lawrence Basin. My staff in the Service is in the process of developing conceptual plans for development of joint venture projects in these areas. The habitat protection goals of the Plan would be more readily achieved with the help of the Foundation and the private sector.

Mr. Chairman, the Department sees merit to some of the provisions contained in the bills before you, but the Department has a number of concerns with this legislation as currently written and cannot support it without amendment. The first Department objection relates to fiscal constraints. Due to the budget deficit, the Department cannot support the proposed increase from the current $1 million for 10 fiscal years, as authorized by the Foundation Act, to the proposed $5 million in each fiscal years 1988 through 1993, for a total of $30 million for six years in Federal appropriations authority for the Foundation. We believe the Foundation should be a self-supporting organization. Its success to date is evidence that this goal could be achieved.

The Department supports the provision in H. R. 2020 permitting the Foundation to participate in foreign activities, but both bills should be amended as follows:

1) Eliminate the provision authorizing $5 million annually through 1993 for Federal matching funds for the Foundation.

2) Restrict the Foundation's international authority to activities that have a direct and predictable effect on the United States.

3) Limit Foundation participation in the acquisition of property interests in other countries to the transfer of non-federal funds for acquisitions in North America.

4) Clearly define the foreign entities that would be eligible for receipt of Foundation funds.

5) Provide that the Secretary of the Interior, rather than the Director of the Fish and Wildlife Service, approves any Federally funded acquisitions, conveyances of Federal funds, or properties acquired with Federal funds.

With respect to the Foundation's activities within the borders of our country, the provisions dealing with land acquisition, management, and disposal simply protect the public interest in any land transactions involving Federally appropriated funds. Federal oversight would be ensured by requiring prior Federal approval, thereby providing a measure of review for consistency of lands purchased. Requiring that Foundation acquisitions be managed in perpetuity for fish and wildlife conservation, and that any of these lands be accessible to the public, is also most appropriate.

Again, Mr. Chairman, we are encouraged with the early successes of the Foundation. We are excited about many of the activities underway in the context of the North American Waterfowl Management Plan, and we remain firmly dedicated to the essential concept of meeting the Plan's worthy goals without imposing additional fiscal commitments upon the Federal governments of either the United States or Canada, as is clearly stated in the Plan.

Mr. Chairman, this concludes my prepared statement. I will be glad to answer any questions you may have.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
WASHINGTON, D.C. 20240

ADDRESS ONLY THE DIRECTOR,
FISH AND WILDLIFE SERVICE

NOV 13 1987

Honorable George Mitchell
Chairman, Subcommittee on
Environmental Protection
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

During the September 10, 1987, hearing of the Subcommittee on Environmental Protection concerning amendments to the Fish and Wildlife Foundation's authorizing legislation, several questions regarding related funding information were addressed to me. Attached for the official hearing record are responses to these questions.

I would again like to express my appreciation for the opportunity to testify before the Subcommittee.

Sincerely,

Frank Dunkle

DIRECTOR

Question: As part of the FY 1988 budget request for the Fish and Wildlife Service, how much funding will be available for waterfowl habitat acquisition?

Answer: A total of $37,246,000 is estimated to be available for waterfowl habitat acquisition in FY 1988 from the Migratory Bird Conservation Account. This is the entire amount available within this Account, other than the reimbursement to the U.S. Postal Service for printing and distributing the Migratory Bird Hunting and Conservation Stamps.

Question: How many acres of waterfowl habitat will be purchased with the funding levels provided for in the FY 1988 budget request for the Fish and Wildlife Service?

Answer: The Fish and Wildlife Service will acquire approximately 52,000 acres by fee purchase, easement, and lease with the FY 1988 proposed funding.

Question: What level of funding will be proposed for FY 1988 and FY 1989 to begin protecting the 50,000 acres of additional black duck habitat on the East Coast of the United States as recommended in the North American Waterfowl Plan?

Answer: The Fish and Wildlife Service currently plans to allocate approximately $2,200,000 of the Migratory Bird Conservation Account funding in FY 1988 for the acquisition of black duck habitat within the Atlantic coastal plain. The allocation of this amount for FY 1989 will vary depending upon total actual receipts, willing land sellers, and availability of other high-quality waterfowl habitat.

Question: How much of the funding proposed for FY 1988 and FY 1989 for the National Wildlife Refuge System will be used to improve the 382,000 acres of black duck habitat on existing refuges?

Answer: It is assumed that this question is in reference to the recommendation in the North American Waterfowl Management Plan to develop and implement measures to increase carrying capacity of wintering habitat for black ducks on existing refuges. This would affect management activities on more than 50 refuges along the Middle and Upper Atlantic Coast.

Habitat improvement for wintering black ducks continues to be an area of concern which will be

emphasized in ongoing management activities at refuges in the Middle and Upper Atlantic Coast area. Types of projects that will be undertaken include rehabilitating dikes, water control structures, and pumping facilities; installing ditch plugs; evaluating habitat use and water management strategies; monitoring population status; and conducting specific law enforcement activities. Budget increases specifically for this activity have not been proposed for FY 1988 or FY 1989 and actions to increase the number of wintering black ducks will be undertaken within overall existing base funding. Planned expenditures, however, are not tracked in sufficient detail to identify funding planned specifically for black duck management. It is therefore difficult to distinguish whether a project, such as replacement of a water control structure, should be classified as black duck habitat improvement, water level management improvement, mallard habitat improvement, or facilities maintenance, when it could be considered any of these.

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TESTIMONY BY CHARLES H. COLLINS
BEFORE THE SENATE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION
THURSDAY, SEPTEMBER 10, 1987
10:00 AM
406 DIRKSEN OFFICE BUILDING

Mr. Chairman, I am Charles H. Collins, Executive Director of the National Fish and Wildlife Foundation (NFWF). I am pleased to present this testimony to the Committee on behalf of my Board of Directors.

The Foundation was established on March 26, 1984 when President Reagan signed the National Fish and Wildlife Foundation Establishment Act, passed by Congress on 14 March 1984. The purposes of the Foundation are:

(a) to encourage, accept and administer private gifts and property for the benefit of/or in connection with the activities and services of the U.S. Fish and Wildlife Service (FWS); and

(b) to establish and conduct such other activities as will further the conservation and management of the fish, wildlife and plant resources of the United States and its territories and possessions, for present and future generations of Americans.

The evolution of the Foundation and the implementation of its portfolio of programs has been meteoric. In just under two years, the Foundation has become an active and vital organization that has surpassed by far the original expectations of its Congressional progenitors. In January 1986, I assumed my duties as Executive Director of the Foundation. At that time the Foundation had an initial $35,000 of contributions in the bank and a desk, secretary and an office provided by the Department of the Interior. Thus, 1986 marked the first year of full-time operation for the NFWF. Major fundraising programs were developed and initiated. A mission statement and one-year operating plan were produced and twelve projects were undertaken across the United States. The NFWF met or exceeded each of its goals for the year including securing commitments totalling $753,000 combined for 1985 and 1986, including $235,000 from its Board of Directors, and receiving its first Congressional matching funds, $250,000. The Foundation also unveiled its first conservation stamp and print program. In December of 1986 the Foundation appointed Amos S. Eno Director of Policy.

During 1987 the Foundation has continued to expand its programs and broaden its impact by cooperating with a growing number of Federal and state agencies and private sector organizations. Currently the Foundation has raised just under $1 million in grants and commitments to date, and our annual stamp

and print program, featuring artist Robert Bateman's "Pride of Autumn," has raised an additional $750,000. We are in the process of implementing next year's stamp and print program featuring a painting by artist Maynard Reece and this month a special endangered species print sale was launched, again by Robert Bateman, to support the recovery programs of the threatened grizzly bear in the U.S. and Canada. The Foundation currently is supporting 24 projects ranging from endangered species recovery to public information and education programs to habitat protection and refuge acquisition. Current endangered species projects include: satellite tracking of Kemp's Ridley sea turtles, Save the Eagle Project (STEP), Jaguar status survey, Atlantic salmon recovery in New England, Spotted Owl reproduction and prey abundance studies in Northwest California, multiple grizzly bear projects, and the Montana Endangered Species Education Program. Information and Education projects include: Educational materials to enhance public support for Arctic geese recovery, publication of a report on marine entanglement issues, Chesapeake Bay and San Francisco Bay education posters, North American Waterfowl Management Plan public education efforts, the production of Wildlife Trade brochures for international travelers and the Northern Rocky Mountain Wolf Book. Projects involving wildlife and fisheries management include joint American-Soviet wildlife projects, striped bass restoration, California waterfowl, wild sheep restoration in Nevada and intermountain states, and Yellowstone mountain lion research.

4

Finally, the following habitat protection projects have been undertaken: Cedar Island, Virginia; California wetlands' project; Minnesota Valley NWR and an easement program to protect New York's Beaverkill River, the East's premier trout stream.

With the preceding list of projects, the Foundation has expanded its cooperative undertakings well beyond the Fish and Wildlife Service to include the following Federal agencies: The U.S. Forest Service (spotted owls, salmon restoration, mountain lion and grizzly bear recovery), National Park Service (Yellowstone mountain lion studies, grizzly bear recovery), Bureau of Land Management (wild sheep and grizzly bear recovery). The following states are participating in existing projects: Arkansas, California, Florida, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Ohio, Texas, Virginia, Wisconsin and Wyoming.

Additionally, the following conservation organizations have worked actively with the Foundation on cooperative projects: California Waterfowl Association, Center for Environmental Education, Ducks Unlimited, Foundation for North American Wild Sheep, Interagency Grizzly Bear Committee, International Association of Fish and Wildlife Agencies, National Audubon Society, National Wildlife Federation, The Nature Conservancy, Sport Fishery Institute, Trout Unlimited, and World Wildlife Fund

- U.S.

In summary, in well under two years the Foundation has laid down a record of substantial accomplishment. We have raised over $2 million -- $1.75 million in private funds and received a $250,000 matching grant from Congress. A small, but energetic, staff has been hired. Twenty-four projects are underway and excellent working relationships have been forged with members of the private conservation community, Federal and state wildlife agencies and, Mr. Chairman, with your indulgence, appropriations and authorizing committees in Congress.

Mr. Chairman, let me now turn to the Foundation's projected activities for the future. This past winter the staff prepared a comprehensive Three Year Plan for the Foundation. The Three Year Plan documents the specific goals and objectives of the organization for the years 1988, 1989, and 1990. The plan was written after a comprehensive review of the existing programs of public wildlife agencies and private conservation groups to determine which pressing needs are not currently being met and are not likely to be addressed in the future. This analysis led to the Foundation singling out three long-term, major initiatives which would be undertaken in addition to the funding of projects which come through the door. At our most recent Board of Director's meeting, our Board reviewed each of these three core initiatives in detail and approved them. The first two major

initiatives address the professional training and continuing education needs of wildlife professionals and an analysis of the funding requirements for wildlife programs nationwide. The third approved initiative commits the Foundation to undertaking a major role to assist in the implementation of the North American Waterfowl Management Plan (NAWMP), which I shall address more extensively in a moment.

The Foundation is currently seeking private funds to underwrite each of our core initiatives and to enhance our ability to support additional grants nationwide. As we select projects for consideration of future support, we strive to single out projects where our support provides a catalytic effect and enhances public/private cooperation, establishes a precedent for action or through public information and education broadens the level of general public support for important wildlife and fisheries resource protection programs. In addition, we specifically exclude from consideration projects that involve raising private funds simply to fund programs that should be government responsibilities. We recognize that both Federal and state agencies have statutory responsibilities for wildlife protection and enhancement. The Foundation's role is really that of an auxiliary force which can reach out to the private sector to encourage public support for agency programs. For example, sales from the Bateman grizzly bear print will enable the Foundation to make a substantial contribution to the interagency

grizzly bear recovery program. We hope to use this project as a prototype for future endangered species conservation efforts.

As we have developed our program, the Foundation has attempted to maintain close coordination and consultation with Congressional members and staff. As a result, Congressional confidence in the Foundation has grown as is evidenced by the House Appropriations Committee's first-time allocation of $250,000 in matching funds for next (FY 1988) year. Similarly the Report Language accompanying H.R. 2020 clearly suggests an evolution in concept for and confidence in the Foundation. The Report states: "The legislation that established the Foundation provided $1 million in matching funds over a period of 10 years. The original sponsors of the legislation anticipated that the donations received by the Foundation would not surpass a few thousand dollars per year, and that the $1 million cap would provide sufficient matching funds." The Report next credits the Foundation's successful fundraising record and states: "It is the sense of the Committee that, with the proper oversight by Congress and coordination with the U.S. Fish and Wildlife Service, the expenditure of Federal funds to match private funds raised by the Foundation serves to multiply the purchasing power of Federal dollars for fish and wildlife enhancement and hence, a higher authorization level is in the national interest."

I believe it is this sense of confidence in the Foundation's

ability to make substantial contributions to benefit our nation's fish and wildlife resources along with the concomitant opportunity to establish a prototypical cooperative funding mechanism for the North American Waterfowl Management Plan that brings us to this discussion of amendments to the National Fish and Wildlife Foundation Establishment Act provided in S. 1389 and Title II of H.R. 2020.

The principal issue addressed by the legislative amendments before us is: first, the use of substantial sums of Federally-appropriated dollars for Foundation programs and secondly, sending a portion of these funds to foreign countries, in this particular instance, to Canada. The issue of increasing the authorization for Federal dollars (section 3 of S. 1389) grows directly from the success of the matching fund concept. The Foundation's record of fundraising is extraordinary; we have raised close to $2 million in less than two years. Please recognize that nationally, conservation receives significantly less than 1% of the philanthropic dollars granted each year. Recognize also that the conservation field is extremely competitive, and we have done our utmost to avoid placing the Foundation in a posture of competing with existing organizations for their donors. Today there are more than 20 national conservation organizations with multi-million dollar programs and thousands of state and local organizations, all of whom are competing for that 1% pot of philanthropic giving. In large

part, the Foundation's success is creditable toward the matching fund concept. Our donors, which have included some of the largest conservation groups, are attracted to the fact that their dollars, their investment in the Foundation and our projects, may be matched by Congressionally-appropriated funds. They are also attracted by the fact that the Foundation has a demonstrable capacity to coordinate with Federal and state agencies and private sector interests that goes well beyond mere lip service. In a sense there is an economy of scale and coordination at work here. Too often when presented by a potentially difficult natural resource problem, the respective public and private sector organizations go their separate ways, often quite tangentially, to address the problem at hand. The Foundation has made a point of confronting problems head on, as is the case with the North American Waterfowl Management Plan, or grizzly and striped bass recovery, and in so doing we play a catalytic role in bringing the energies of both the public and private sector to bear directly on the issue. The result of this symbiosis is that a relatively small Federal investment can attract very significant amounts of state and private monies to maximize the impact of the Federal investment.

As I have mentioned earlier in my testimony, the original sponsors of our legislation included the prospect of matching funds primarily as a crutch to get an infant organization up and running. This concept has evolved as the Foundation has grown

and demonstrated the extraordinary appeal and magnetism of this matching fund concept for attracting private funds to support Federally-sanctioned wildlife programs. We are confident that we can build on this record of achievement and that there is vast potential for reaching out to the private sector for large sums of money and broadscale public support and participation in Foundation programs. As a recipient of Federal dollars, the Foundation does not become yet another Federal agency because the initiative in this formula is clearly with the private sector side of the funding equation. The Foundation must raise the private funds first, before requesting matching funds and seeking Federal support either "partially or wholly" for approved projects.

The second issue at hand, sending these public/private funds to Canada embodied in (Section 201 of Title II, H.R. 2020) to implement the NAWMP should not be an issue. Since 1916 with the signing of the first Migratory Bird Treaty Act, this country has recognized that migratory birds are an international resource, whose conservation and management requires transnational coordination and investments. Every principle of the biological and ecological sciences stresses the inter-connectedness of the intricate webs of biological life. Wildlife species do not recognize geo-political boundaries and migratory bird species flaunt our best attempts at statutory conservation. The concept of flyways makes a mockery of state and even national management

strategies. We recognize that sending Federal funds to Canada is in a way unprecedented and could be controversial. But in fact, it is entirely logical and decades overdue. Ducks Unlimited set the precedent for sending U.S. dollars to Canada fifty years ago, and it is high time that the fiscal contributions of the respective Federal, state and provincial management agencies be linked in the same fashion that the policy and management arms of the equation are. We should have established the Federal funding precedent fifty years ago. However, the most compelling reason for sending funds to Canada is that roughly 66% of our continental waterfowl population breeds in Canada. This means that of a surveyed breeding population of between 30-35 million birds, over 20 million annually breed north of the U.S. border in Canada. Almost 80 percent of those birds are harvested on our side of the border. Today we face a resource decline comparable to that of the depression, which spawned the innovative funding mechanism of the duck stamp. The funding prototype before you is equally innovative and of far greater potential since it reaches out to invite the participation of the general public of both countries.

Sections 1 and 2 of S. 1389 are both straightforward and serve to clarify the Foundation's coordination with the Department of Interior. Section 1 provides language to protect U.S. investments in habitat in Canada and ensures that the Foundation's investment is properly coordinated with the Fish and

Wildlife Service and meets with approval of the Director, U.S. FWS. Section 2 simply clarifies the original legislation giving the Foundation discretionary authority to reimburse the Department for administrative support and services.

The Director's testimony and the testimonies of the gentlemen that follow me describe the various components of the North American Waterfowl Management Plan in detail and the important contribution that the Foundation can make, with the pending modifications to our original authorizing legislation, to facilitate the implementation of the plan. I want to make several points clarifying the origins of our involvement in this effort and why I believe the action before us represents an opportunity which should not be let slip.

First, the NAWMP is a plan and as is readily evident to all, it is a plan without a funding mechanism, and without funding there can be no action to implement the plan. The Foundation became involved with the parties seeking to implement the habitat protection goals of the plan for the U.S. and Canada, specifically, at the request of the International Association of Fish and Wildlife Agencies and the U.S. Fish and Wildlife Service. Both agencies focused on the Foundation's potential capability for seeking Congressionally-appropriated matching funds for privately raised dollars. That is the sum and substance of the proposal before us now.

Second, I want to stress, that while we focus on this novel funding mechanism that we not lose sight of the precarious status of the wildlife resource that is the incentive for this action. Over the past fifty years, dating back to the early days of the dust bowl, more dollars and effort have been expended by public and private entities in the United States and Canada on the conservation and management of our migratory waterfowl than any other assemblage of species worldwide. And yet today with the exception of a few real success stories such as the wood duck, certain subspecies of Canada geese, and the snow goose, waterfowl populations are at their lowest levels in recent history. From 1955 through 1959, the continental breeding population of mallard ducks averaged 11 million birds on surveyed areas. For the last thirty years (1955-1985) the long-term average was slightly over 8 million. In 1985 after several years of steep decline, the population reached an all-time low of less than five and one-half million birds. Pintails have shown an even more alarming rate of decline. There were around eight million breeders during the 1955-1959 period, since then pintails have declined to their lowest levels ever recorded when only three million were inventoried in 1985. For the last two years pintail populations have remained at rock bottom levels and mallards have improved only slightly. Black duck numbers have declined steadily with this year's estimates representing the lowest on record. Other waterfowl species have experienced declines comparable to these

three species which are among the most popular for harvest.

The plummeting populations of waterfowl are primarily a result of the broadscale conversion of wetlands to agriculture in the prairie pothole regions of the U.S. and Canada and to a coincidental, sustained drought as well as the loss of wintering habitat in the U.S. Other factors such as increased predation caused by dwindling nesting habitat have had a contributory effect. The ultimate recovery of North America's waterfowl and all other prairie wildlife will depend on a concerted effort by public and private entities in both countries to affect major changes in the use of <u>private</u> lands in our agricultural breadbasket where "wall to wall" farming practices are decimating waterfowl populations and other wildlife species.

At this point I do not want to lose sight of the other fish and wildlife species which will benefit from the habitat protection components of the NAWMP. For example, over 40 species of mammals and 224 species of birds are known to inhabit wetlands and associated fringe uplands in the prairie regions of the U.S. and Canada. On the east coast, priority black duck breeding and wintering habitat is located in some of our most fragile coastal areas -- areas which also contain some of our most important shorebird and raptor habitat. Senator, as you know full well from the trends on the Maine coast, these areas are under ever-increasing development pressure.

Third, although much of the discussion today will focus on the prairie joint venture initiative in Canada, I want to stress that the preeminent focus of the Foundation, as specified in our Three Year Plan and numerous outstanding funding proposals, will be on the implementation of the U.S. goals of the NAWMP. The Foundation plans to work with each of the joint venture committees. We recognize that local implementation and support is going to be key to the Plan's success. As a result we are already focusing our efforts on local implementation efforts. We have just initiated a project for habitat protection programs in the central valley of California and we expect to have additional projects underway shortly in other priority U.S. habitat areas. As we proceed, the linkage between the U.S. and Canada will be a prominent feature of various joint venture efforts, however, I want to assure you that the major thrust of the Foundation's programs will be towards meeting the Plan's U.S. goals and objectives.

The final point I wish to make, and which I have already alluded to, is that the success of efforts to restore waterfowl populations and conserve associated wetlands wildlife species is going to depend on our ability to influence a fundamental change in land use on <u>private</u> lands in the U.S. and Canada. We cannot expect our public agencies alone to acquire, protect or rehabilitate the almost six million acres called for in the

NAWMP. A fundamental mistake that has been made these fifty years passed has been our society's overwhelming reliance on public agencies to fulfill the monumental task of migratory bird conservation with the notable exception of the efforts of Ducks Unlimited. If nothing else, the contemporary massive decline of waterfowl populations tells us that we cannot leave the task of conservation solely to those state and Federal agencies charged with that task. The job is too vast; it involves a commitment from all facets of our society. This is the clear message in the NAWMP and that is the reason why the assemblage before you today urges your support. The proposal we bring represents an innovative, precedent-setting commitment on the part of the Fish and Wildlife Service, state agencies, on the part of private sector organizations represented by DU and the Foundation, and on the part of all of us cooperating on the fulfillment of a mutual goal. The Foundation has been asked to play a pivotal role in the implementation process, but the most important feature of the proposed action is that for the first time in history we have a coalition of international, Federal, state and private entities committed to a cooperative conservation program of unprecedented scale.

International Association of Fish and Wildlife Agencies
Organized July 2, 1902
444 North Capitol St., NW, Suite 534, Washington, DC 20001 (202) 624-7890
Jack H. Berryman, Executive Vice President

STATEMENT OF THE INTERNATIONAL ASSOCIATION OF FISH & WILDLIFE AGENCIES
ON S 1389, A BILL TO INCREASE THE AUTHORIZATION OF
THE NATIONAL FISH & WILDLIFE FOUNDATION
BEFORE THE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION
SEPTEMBER 10, 1987
by
Gary T. Myers

Mr. Chairman, I am Gary Myers, Executive Director of the Tennessee Wildlife Resources Agency, immediate Past President of the International Association of Fish and Wildlife Agencies (IAFWA), and currently Chairman of the Association's ad hoc committee responsible for assisting with implementation of the North American Waterfowl Management Plan.

I am speaking on behalf of the International Association of Fish and Wildlife Agencies, a quasi-governmental organization of public agencies founded in 1902 and charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and federal governments of the U.S., Canada and Mexico. All 50 states are members. The Association has been a key organization in the promotion of the principles of sound resources management and the strengthening of federal, state and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

At the IAFWA Executive Committee meeting last December, a strategy to send money to Canada for immediate acquisition and protection of wetlands was developed. The strategy evolved that 10 states would contribute $100,000 each to be matched by a Ducks Unlimited $1 million donation to the National Fish and Wildlife Foundation for a Congressional (50/50) match. This process would produce $4 million and would, in turn, be matched (50/50) by Canada and result in a $8 million expenditure for wetland protection or enhancement. The National Fish and Wildlife Foundation agreed to accept contributions and to seek Congressional matching funds, and Canada committed to match a $4 million state/private/federal initiative. Nine states made written commitments for $800,000 and a state verbal pledge was received for the last $200,000. Letters of commitment are attached. All of this, however, is contingent upon a $2 million Congressional match.

The entire package, less federal funds, could be firmly in place by December 1987. It follows then that the IAFWA wholeheartedly supports the amendment to the National Fish and Wildlife Foundation Establishment Act provided in S 1389, which authorizes up to a $5 million annual appropriation for 1988 through 1993 for the Foundation to match contributions. The Association also supports language contained in HR 2020, which allows the Foundation to participate with and otherwise assist foreign governments in undertaking and conducting activities that further conservation and management of fish and wildlife resources in other countries. Such an amendment is in full compliance with the spirit and direction of the North American Waterfowl Management Plan agreed to by our country through the Secretary of the Interior.

The states, working through the IAFWA, are presently involved with the U.S. Fish and Wildlife Service, the National Fish and Wildlife Foundation, Ducks Unlimited, the Canadian Wildlife Service, provinces, and others to establish procedures for spending U.S. funds in Canada. And the Canadians have developed a detailed proposal for the expenditure of funds within guidelines laid out by prospective donors and in compliance with language contained in HR 2020. Cooperation of all involved parties has been excellent.

The states are also working with the Service through their IAFWA representative on the North American Waterfowl Management Plan Scoping Committee and through the state members on the North American Waterfowl Management Plan Committee to establish procedures for implementation of the plan within the U.S.

The North American Waterfowl Management Plan identified 34 waterfowl habitat areas of major concern in the U.S. and Canada. The states can be most helpful in achieving habitat objectives within their borders by promoting the use of existing federal funding authorities, private initiatives, and through state authorities.

For exaple, once an official North American Waterfowl Management Plan project is developed involving habitat in Tennessee, the Tennessee Wildlife Resources Agency can achieve a significant portion of the habitat goals through our $30 million/10 year state wetlands program; through development of 32,000 acres of mitigation land we expect to receive from the Corps of Engineers and through expansion of the state land base adjacent to the Reelfoot National Wildlife Refuge with a $4,350,000 appropriation from our General Fund. Other parts of the Tennessee goals can be achieved through authorities dealing with FmHA bankrupt lands; the Swampbuster Program; the DU MARSH Program; the Emergency Wetlands Act of 1986; the Natural Areas Program; and the Fish and Wildlife Service's land acquisition program.

I believe that we can achieve habitat goals of the plan within Tennessee over the next 10 years using existing state and federal programs, provided that existing federal programs are properly funded. However, it may be more difficult in states having vast areas of habitat in critical need of protection and management. There, significant additional federal assistance may be required.

Future amendments to the Farm Bill might provide new funding opportunity and a direct appropriation to supplement existing efforts would be helpful. Using these previously mentioned funding mechanisms and by taking advantage of every new opportunity that arises, I believe the U.S. portion of the North American Waterfowl Management Plan can be achieved over the next 15 years.

The difficult problem involves getting significant funds to Canada. The plan calls for protecting 3.6 million additional acres in prairie Canada at a cost of $1 billion with 75% of the cost being paid by the U.S. participants.

It is appropriate to pause here to discuss responsibilities. Because waterfowl in North America move through 50 states, 10 provinces, 2 territories, and beyond, it is clear that the federal governments of Canada and the U.S. must have primary responsibility for waterfowl management -- not 62 different states, provinces, and territories that provide a home for waterfowl during a portion of the year. This was decided by a treaty between the United States and Canada over 70 years ago; so we have traditionally expected the federal government to fund the major portion of our nation's waterfowl programs. Even so, some states have spent significant sums of money to enhance waterfowl areas and, conversely, states have received a good bit of financial help from the federal government for the management of resident species for which we assume responsibility. Philosophically though, to a state, we all feel that the U.S. Government should provide both the management and financial leadership where waterfowl are concerned. Since the U.S. harvests over 75% of the waterfowl produced in Canada, we agree that the U.S. partners should pay 75% of the cost of implementation of the North American Waterfowl Management Plan in their country. Technically, it is a federal responsibility -- not a state and not a private responsibility -- and Canada certainly should not be solely expected to pay for the production of our ducks. The states can, and will, send some of their own money north, but the U.S. must come up with a significant new source of funding if we really expect to succeed. Some money might come from a direct annual appropriation. In the meantime, we must rely on our ingenuity, on a private/state/federal partnership, to keep the plan alive. And the best vehicle for that purpose is the National Fish and Wildlife Foundation. They are housed in the Interior Building in Washington, D.C., near the U.S. Fish and Wildlife Service, a location that facilitates close communications with the Service. The Foundation has experience working with the private sector, the states, the federal government, and conservation organizations. One example is the Foundation's past involvement with the IAFWA, selected states, Miller Brewing Company, and federal government to fund eagle restoration work. Our Hope is that the Congress will grant the Foundation expanded authority, which will allow them to seek matching federal funds for the North American Waterfowl Management Plan. In an expanded role, the Foundation would be positioned to receive Canadian funds allocated for expenditure in the U.S.; seek appropriate state, federal and private matching funds; to develop site specific agreements with government bodies regarding the use of those funds, etc. No other private U.S. entity is as well situated as the Foundation to fulfill this vital need -- to create that elusive private/state/federal partnership so necessary to our present effort to launch the North American Waterfowl Management Plan.

In closing, I repeat -- for over 70 years, the federal government has been responsible for insuring the welfare of waterfowl in our country. The states cannot -- even if we wanted to -- manage species which live beyond our borders for a significant portion of their life. The federal government must eventually assume primary financial responsibility for implementation of the plan in Canada. We, in the states, pledge to help in every way we can. And the private sector will help. We will all try to pick up the slack while Congress figures out the best funding mechanisms, but the U.S. Government must ultimately lead this initiative; otherwise, the plan is destined to failure.

Thank you for the opportunity to comment.

SUBMISSION TO THE U.S. SENATE
SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

CONCERNING

THE IMPLEMENTATION OF THE
NORTH AMERICAN WATERFOWL MANAGEMENT PLAN

FROM

WILDLIFE HABITAT CANADA

WASHINGTON SEPTEMBER 10, 1987

Submission to the U.S. Senate

Subcommittee on Environmental Protection

Concerning

the Implementation of the

North American Waterfowl Management Plan

from

Wildlife Habitat Canada

Washington **September 10, 1987**

LEGEND

Some abbreviations used in this document:

WHC - Wildlife Habitat Canada
NAWMP - North American Waterfowl Management Plan
PHJV - Prairie Habitat Joint Venture
NFWF - National Fish & Wildlife Foundation
FWS - Fish and Wildlife Service
CWS - Canadian Wildlife Service
NGO - Non-governmental Organization

Wildlife Habitat Canada (WHC) is pleased to respond to the invitation of the Senate Subcommittee on Environmental Protection to appear at its September 10, 1987 hearings called to consider amendments to the National Fish and Wildlife Foundation Establishment Act, and implementation of the North American Waterfowl Management Plan (NAWMP).

Our presence at these hearings reflects the concern on both sides of the international boundary about wildlife and habitat, and in particular our continental waterfowl resources. WHC does not use the phrase "continental resource" lightly. As we hope to make clear in this submission, we understand that the birds belong to all North Americans, and the very strong Canadian commitment at all levels to NAWMP and to the related Prairie Habitat Joint Venture (PHJV) has been made on behalf of all who use and enjoy the resource. Without diminishing in any way the commitment of our American opposite numbers, we believe the widespread Canadian enthusiasm for NAWMP and the PHJV reflects a concern for environmental and conservation matters perhaps unparalleled in the world.

In his August 10, 1987 letter inviting us to make a presentation, Subcommittee Chairman Senator George J. Mitchell requested that our testimony address the following:

1. the current activities of Wildlife Habitat Canada;

2. a comparison of the structure, activities and funding of Wildlife Habitat Canada with that of the National Fish and Wildlife Foundation;

3. the present and future role of Wildlife Habitat Canada in implementation of the North American Waterfowl Management Plan in Canada and the United States.

Accordingly, this submission is divided into three sections, each corresponding to the above areas of indicated Subcommittee interest.

1. THE CURRENT ACTIVITIES OF WILDLIFE HABITAT CANADA

Wildlife Habitat Canada (WHC) is a non-profit, tax-exempt foundation, established in 1984 with a start-up funding of $3 million from the Government of Canada. Of this, $1 million was an outright grant. A two million dollar loan has already been repaid in full.

WHC's formal mandate, expressed in our founding documents, centers on "...encouraging the retention and stewardship of wildlife habitat for present and future generations."

We do this in three ways:

* by acting as a catalyst to foster the development of multidisciplinary and comprehensive habitat programs, innovative approaches in wildlife habitat management, and new funding mechanisms in support of habitat;

* by providing an assessment function, first, regarding the status of wildlife habitat, and second, concerning federal and provincial policies, legislation and regulatory actions which have an impact on habitat;

* by playing a support role, providing new funds for cooperative habitat endeavors, for expertise and research support, and for communications and public education programs related to wildlife habitat and habitat management projects.

For the most part, WHC fulfills its mandate by entering into cooperative partnerships with landowners and land-use managers, conservationists, associations, private firms, governments and concerned citizen groups to develop project ideas which lead to submissions for funding by WHC.

Following that process, twice each year, the Board of Directors of WHC reviews project funding submissions and, in its evaluations, endeavors to address immediate conservation needs and to promote progressive wildlife resource management policies.

Over the past 3 years, WHC has, in this manner, committed $12 million to habitat projects which, when partners' contributions are considered, represent a total annual investment of more than $50 million. Partner organizations which cooperate with WHC in project work, including provincial and federal government agencies and Non-Governmental Organizations (NGOs), are of course involved in other initiatives whose total value far exceeds that amount.

Much of our focus is on wetlands. A map detailing examples of current wetland initiatives and arrangements in Canada is appended to this submission. The reverse side of the map identifies participants, and outlines timing, funding, acreage and other details of these agreements.

WHC-supported projects, however, include more than just wetlands, and range in scope from a joint study with forest sector interests into the impact of logging on woodland caribou in Newfoundland, to the protection of shrinking habitat of the small white lady's slipper (a plant) in Manitoba, and to a Pacific estuary program in B.C. affecting both fish and waterfowl habitats.

As part of its catalyst role, WHC provides secretariat and other administrative services to the Canadian Wildlife Habitat Coalition, a loosely structured coalition of 37 wildlife, conservation and nature organizations created in the late 1970's, and which has as its goal coordinating efforts in support of wildlife habitat initiatives.

As assessor, our major focus in the past three years has been on producing a major inventory of wildlife habitat in Canada, which we published last year. A copy of this comprehensive study titles "Status of Wildlife Habitat In Canada", is appended to this submission.

Funding for WHC comes from a variety of sources. We have described the $3 million in start-up funding. WHC receives between $2 and 3 million in annual proceeds from the sale of each $6.50 federal government Wildlife Habitat conservation stamp, required to validate a Migratory Bird Hunting Permit purchased anywhere in Canada. This contrasts with the situation in the U.S., where stamp revenues accrue to the federal treasury. Money also comes from both private and corporate donations. And, again unlike our U.S. counterparts, WHC earns revenue by marketing habitat conservation stamps to philatelists and other interested parties. Finally, the sale of associated wildlife art prints yields anywhere from $1 to 3 million annually.

A full break-down of funding sources and expenditures is provided in the annual reports which are appended to this submission.

2. COMPARISON OF WHC AND NFWF

Wildlife Habitat Canada and the National Fish and Wildlife Foundation are in many ways very similar organizations and can be compared as follows:

History — Both organizations were founded at approximately the same time, and for similar purposes. The establishment of the U.S. Foundation is a matter of record here. The notion of establishing a foundation such as Wildlife Habitat Canada, seen as a new national endeavour in the wildlife field, was first promoted at a Federal-Provincial Wildlife Conference in 1978. Members of the National Wildlife Habitat Coalition provided the impetus, and the federal government established a founding committee, and provided initial administrative support with the start-up funding described previously.

Mandate — WHC's mandate, as expressed above, is "...to encourage the retention and stewardship of wildlife habitat for the benefit of present and future generations."

NFWF's mandate is to:

(a) encourage, accept and administer private gifts and property for the benefit of, or in connection with the activities and services of, the U.S. Fish Wildlife Service (FWS); and

(b) to undertake and conduct such other activities as will further the conservation and management of the fish, wildlife and plant resources of the United States, and its territories and possessions, for present and future generations of Americans.

Structure — The process of incorporation was similar in both cases, but with WHC's charter arising from an application to the federal government by a Founding Committee in February 1984, while NFWF came about through an Act of Congress in March 1984.

Both organizations have charitable status in their respective countries.

Directors Board representation for WHC includes 3 appointed by the federal government, 2 by provincial governments, 2 by non-governmental organizations, and 2 from industry. This reflects the involvement of various groups in the creation of Wildlife Habitat Canada and on the Founding Committee.

Board representation for the NFWF is 9 members, all appointed by the United States Government.

Reporting WHC is responsible solely to its Board of Directors, and reports through a published annual planning statement and annual report, including an audited financial statement.

NFWF reports in the same manner, but unlike WHC, also reports directly to government, reflecting its formalized relationship with U.S. FWS.

As noted above, both organizations direct themselves to similar goals, and their respective mandates reflect this fact. Any comparison should give greater weight to common objectives than to technical distinctions.

WHC believes that both organizations should be and will be measured, by the public and by resource users, on the basis of their success in reversing, or limiting, the loss of wildlife habitat as the result of human activity.

This is an enormous task. In Canada, with a larger landmass and fewer organizations involved in the work than in the U.S., we learned the lesson of cooperation long ago. WHC would be ineffective if we did not collaborate with both public and private agencies. Again, without diminishing efforts in other jurisdictions, we feel that we have achieved cooperation and agency interaction to an extent unmatched elsewhere.

Canadian wildlife and habitat are the envy of the world. We want them to stay that way. To accomplish this, we have adopted an approach which emphasizes consultation and cooperation. And, we see management of transboundary wildlife issues in exactly the same light. Whatever technical differences exist between WHC and NFWF are insignificant. We wish to emphasize common concerns, and solutions based on collegial planning. Finally, waterfowl and wetlands are current priorities, but only part of a larger picture, and we would apply the same reasoning in all management sectors.

3. PRESENT AND FUTURE ROLE OF WHC IN IMPLEMENTING NAWMP

i) Present Role

It is important to note at the outset that the NAWMP document signed by both governments refers to the participation of WHC in implementation of the plan, both financially and organizationally.

In some ways, WHC can be seen as having grown out of the preliminary planning process for NAWMP, during which the requirement for a key delivery agency in Canada evolved. More recently, WHC has been one of the few Canadian NGOs involved in drafting, reviewing, and perhaps most important, helping to "sell" NAWMP in Canada.

As noted earlier, WHC is also the principal Canadian non-governmental organization reviewing national and provincial policy and legislative program initiatives affecting all wildlife habitat, and proposing changes to these initiatives where needed (a role comparable to that played by the Wildlife Management Institute in the U.S.). With other NGOs, particularly the Canadian Wildlife Federation and its affiliated organizations, WHC has played a key role in refining NAWMP program components.

We believe that the credibility earned in these endeavors has been a prime factor in WHC's success in concluding new long-term land acquisition and landowner incentive agreements with the various provincial governments, as well as with other NGOs involved in wildlife conservation.

We further believe that these agreements, the most important of which tie agricultural and wildlife policies together, will be essential to the successful implementation of the NAWMP, and in particular, the PHJV project.

WHC has helped to co-ordinate Canadian participation in development of the PHJV project. Our agency co-drafted the PHJV proposal, and was instrumental in having it published and distributed. We co-funded with Ducks Unlimited the development of program evaluation and strategy, a communications strategy proposal, and the initial costs of support staff for the PHJV Committee.

WHC is the principal Canadian agency providing national funding for new habitat management programs serving broad wildlife conservation objectives, with initial emphasis on wetlands.

WHC has, in collaboration with Ducks Unlimited Canada, successfully promoted the establishment of an NGO Ministerial Advisory Committee. The formation of this committee ensures the concerns of those involved in NAWMP and PHJV will remain front and center at the Cabinet table.

And, WHC has applied for incorporation in the U.S., and has requested charitable status. We hope this will allow us to expand our highly-successful stamp and print program in the U.S., creating an opportunity for WHC to receive charitable donations. We see an affiliation with an American organization as a logical extension of this process. As a by-product, such an affiliation will permit even better coordination of activities relating to NAWMP and PHJV.

ii) Future Role

While continuing with our current activities as outlined above, WHC is contemplating or has initiated a variety of additional activities and actions likely to advance the cause of NAWMP and the PHJV.

For example, we have indicated our willingness to co-fund with U.S. interests priority wetland projects within the U.S. relating to NAWMP to make tangible Canadian support for the U.S. components of the plan.

In addition, we have proposed joint funding of a border project to foster a strong link with the NFWF.

WHC has also proposed to FWS and NFWF a program to link the conservation-stamp fund-raising programs of both countries with NAWMP.

WHC will continue to support innovative habitat projects, particularly those which test new approaches with landowner agreements, similar to the variety of agreements developed in the United States but only recently in vogue in Canada.

Perhaps the two most important future developments for WHC vis-a-vis NAWMP relate to plans for long term management of the PHJV project.

1. WHC believes it is appropriately equipped to serve as a major financial conduit for PHJV and other NAWMP-related ventures. Our preparedness to do so reflects the fact this was one of roles visualized for WHC when it was established.

2. The other pending development relates to a proposal now before the Canadian government in the form of a "challenge". WHC has offered $2 million (Cdn.) and has invited the Government of Canada to provide a matching amount for a NAWMP Endowment fund. If the "challenge" is accepted, and we are optimistic that it will be, the resulting $4 million fund will be used to set up a comprehensive, responsible and responsive administrative structure to manage NAWMP funds disbursed in Canada, under the direction of the responsible committees of the various joint venture programs.

iii) A Canadian Perspective on NAWMP Funding for PHJV

Perhaps the most important questions facing this committee concern the sending of U.S.-raised monies into Canada, the nature of the programs for which they are expended, and the management of those funds by Canadians.

Though the NAWMP agreement refers to management "by Canadian interests" of these funds, we do not consider this a carte blanche, and welcome the opportunity to deal in some depth with the areas of concern. Though we will address it in substance below, we want to make clear our views on the question of accountability.

We would not expect our American counterparts, and their legislative representatives, to hand over funds without scrupulous accountability mechanisms in place. We came here perfectly prepared to treat this hearing as our first accountability session.

a) Nature of Programs

The first point we would like to make concerns the nature of the programs envisaged under NAWMP.

We recognize that, at this stage, we are primarily dealing with the "First Step" program affecting Quill Lakes, in Saskatchewan. By virtue of the particular circumstances, this program involves large-scale acquisition of wetlands which are a vital waterfowl habitat. We all also recognize, it is hoped, that the focus on acquisition around Quill Lakes is not a blueprint for longer-term programs. More general circumstances are quite unlike those at Quill Lakes, meaning acquisition is typically difficult, if not out of the question. However, before we deal with that, we ask you to consider the land area in question.

Appended to our submission is a map titled "Waterfowl Areas of Major Concern in Canada and the U.S., 1985". Shaded areas on the map delineate priority habitat ranges. The largest single shaded area on the map is zone 32, titled "Prairie Potholes and Parklands".

As is obvious, this is a huge land area, comprising parts of several U.S. states, and significant parts of the provinces of Manitoba, Saskatchewan (more than half), Alberta and British Columbia. The Canadian portion of Zone 32 is the site of the PHJV.

We recognize the strong sentiment in the U.S. in favour of outright acquisition of wetlands by purchase. We share your respect for hard assets. However, two elements must be considered. First, the size of the landscape involved. The land area is larger than that of a good many totally independent countries around the world. Second, the reality is that the pothole complexes are widely dispersed across this farm belt, and few are actually owned by either the Canadian government or any of the respective provincial governments. Therefore, the habitat is nearly all privately-owned.

As well as historically producing 65% of the continental duck population, it is also among the most productive agricultural areas on the face of the earth, and likely to remain so for the foreseeable future. It is mostly productive private farmland, and is simply not for sale. Also therefore, any plan to preserve and restore waterfowl habitat in the zone must reflect these realities, and must depend for the most part on mechanisms other than acquisition.

It is these realities which have made us such strong advocates of a three-pronged program approach, which is the basis of the PHJV prospectus. This approach provides for acquisition where possible and necessary, landowner incentive programs, and the reconciliation of land-use policies to accommodate both agricultural and wildlife management objectives.

In fostering the implementation of landowner incentive programs, we are not at all insensitive to the appearance of subsidy. In fact, we are also concerned because agricultural subsidies have been a major factor in the disappearance of habitat. However, we believe that, in the circumstances, our best shot at success is to encourage farmers to grow ducks as well as wheat.

We note in passing that both the NAWMP agreement and the PHJV prospectus specifically state that programs should provide for agreements with landowners and farmers. This reflects the recognition by those who drafted the NAWMP accord of the nature of land holdings in the areas to be addressed by the program.

b) Expenditure of U.S.-Raised NAWMP Funds in Canada

Waterfowl management wasn't on anyone's agenda when our various forefathers established our two nations. Consequently, established fiscal and monetary procedures do not comfortably fit waterfowl production patterns. As these wild resources must be managed where they are, the flow of dollars to accomplish such a task must occur across national and other boundaries.

The purpose of NAWMP was to set out a comprehensive program and establish priorities for habitat action. While a variety of breeding areas primarily in Canada, and wintering areas primarily in the U.S. have been recognized, it has been agreed that the first priority must be to retain and enhance the breeding habitat on the Canadian prairies.

The early-nesting dabblers have been most affected by breeding habitat degradation, which has resulted in serious declines in their population levels. This is what makes the nesting cover issue the pre-eminent one. These birds must achieve better nesting success rates, if the populations are to thrive. If they do not achieve better nesting success rates, it may not matter what other mountains we move in their behalf.

It is important to recognize that any expenditure in this cause, no matter where spent, benefits all users of the resource. The ideal circumstance is the one we all seek to accomplish here, the expenditure of funds by both countries where they will do the most good for all users.

c) Management of NAWMP Funds by "Canadian Interests"

If we accomplish nothing else by our submission here, we hope to convince you that our interests, as stated previously, are not proprietary. We do not believe the birds belong to us, and we do not seek to manage them solely in our interest, but in the interests of all users.

It is entirely appropriate that U.S. interests should be concerned about our fitness to manage their money. We can only respond by citing the modern history of habitat protection.

As Mr. Collins of NFWF has pointed out, the sending of U.S. funds into Canada for habitat protection would not establish a precedent. Ducks Unlimited Inc. has been sending money into Canada for many years to fund a highly successful program.

For Wildlife Habitat Canada, our story is straightforward, in part because it is short.

Within two years of the founding of WHC, we had repaid a $2 million start-up loan to the Canadian government, and have retained a financial surplus of over 2 million dollars. Mr. Collins laudable case for lifting the cap on funding for NFWF might be summarized as "We're making a little go a long way !" We make the same case for WHC.

We will take the same frugal approach in our transboundary joint ventures, and the PHJV will combine structured, cohesive professional program management with the strong traditional NGO efforts, including both professional and volunteer input, traditional municipal and agriculture delivery systems, and the support of landowners.

In program funding, where absolute guarantees about accountability can be obtained, they are obtained. For example, if a government reneged on an agreement, and took back a subject site for other purposes, we would demand our money back...with interest. Obviously, other forms of safeguards are being developed for other kinds of landowner programs. They will never be perfect. No agreement we can imagine could protect us from every eventuality, for example, the implications of a farm bankruptcy. More importantly, for landowner incentive programs to be effective, we must be seen as reasonable and fair in the farm communities. However, given these limitations, we have adopted a goal-directed, bottom line-oriented management attitude.

We should not need to point out that every participant organization follows established accounting procedures in maintaining its books, and is also directly and immediately accountable to its membership. These members are the same people who give all the volunteer time, and a great deal of the money. No matter what system we devise to ensure propriety, these people will be the ultimate policemen of the management programs, and there will be nothing bureaucratic in their approach to accountability.. The only criterion they will apply is the one we all should apply....waterfowl production.

We also recognize, and trust that members of this committee recognize, that program participants will have a variety of financial requirements. Ventures under NAWMP, if they are to be effective, will have to be flexible enough to accommodate this variety of participants and needs. WHC is confident that, where goodwill and common purpose exist, accommodations can be made, while retaining the highest standards of integrity and accountability.

We note also that the "First Step" program is a prototype. It will allow all program participants to define and refine objectives for longer-term programs and delivery mechanisms.

Finally, we remind Honorable Senators that a proposal has been developed for an overall evaluation mechanism for the PHJV. The current proposal calls for what is in effect a comprehensive audit, directed not only at financial matters, but at all aspects of funded programs. WHC will involve itself intimately in the evaluation process, and expects other participants to do the same.

Conclusion

We at Wildlife Habitat Canada are proud of our record to date.

We have helped bring together the many Canadian organizations concerned with wildlife habitat issues.

We have provided efficient, cost-effective, non-governmental administrative support to a diverse body of organizations working for a common purpose.

We have created, and responsibly funded, new, innovative programs, many involving partners, which are already proving their value in wildlife and habitat conservation.

In short, we believe we have demonstrated that we have no motive except the preservation of habitat, in the cause of preserving a broad variety of wildlife for the benefit of all interests. We believe passionately in the unique opportunity afforded by the development of NAWMP, and believe the PHJV project correctly addresses NAWMP objectives. We are therefore dedicated to making it work. And we believe it will work.

Thank you.

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Waterfowl habitat areas of major concern in Canada and the U.S., 1985

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TESTIMONY OF DR. MICHAEL E. BERGER

DUCKS UNLIMITED, INC.

REGARDING S. 1389

SENATE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

THURSDAY, SEPTEMBER 10, 1987

406 DIRKSEN OFFICE BUILDING

Mr. Chairman, I am Michael E. Berger, Director of Government Relations for Ducks Unlimited. I am pleased to be here today to testify in support of S. 1389, and to thank you, Mr. Chairman, for introducing this legislation which is critical for the future of North America's wild waterfowl.

Ducks Unlimited, Inc., is an international, non-profit, private organization dedicated to the conservation of wetlands and waterfowl throughout North America. Since our incorporation in Washington, D.C. on January 29, 1937, we have held true to our original purpose which is to raise money for developing, preserving, restoring and maintaining waterfowl habitat on the North American continent.

It was, in fact, a love of waterfowl and waterfowling which inspired DU's sportsmen founders to take matters into their own hands when they saw the very existence of North America's waterfowl population threatened by the severe drought of the 1930s. Armed with determination and the knowledge that it would take more than just goodwill to ensure the future of wild ducks and geese, these farsighted businessmen embarked on a course to provide an insurance policy against the fickle ups and downs of drought and flooding. Their private-sector ambition was one of government-sized proportion. But today our grass roots organization's membership totals nearly 600,000 individuals. During our 50-year history, we have raised approximately $400 million, reserved some four million acres of waterfowl habitat and constructed over 3,000 wetlands projects in Canada, the United States and Mexico.

Though most of DU's money is raised in the United States, the majority of our wetland work has been done in Canada where 70 percent of North America's waterfowl breed, and in Mexico, where many of the birds winter. DU's members, you see, are willing to send their dollars across our northern and southern borders because they realize, as does everyone here, that migrating waterfowl aren't tied to political boundaries. Following the example set by the birds, DU's dollars and field work have transcended geopolitical boundaries in order to protect the precious waterfowl resource.

Over the past two decades, DU's income has grown at an average rate of 21.5 percent a year. An impressive, record-breaking $59 million was raised in 1986, and we have targeted a 1987 goal of $66.7 million. Even more impressive than these figure totals is the fact that nearly 80 percent of this money is derived from our network of 4,800 volunteer committees throughout the U.S. These committees are responsible for setting up and running local events which use a variety of fund-raising techniques designed to secure the dollars we need for our wetland conservation work.

Thanks to this dramatic increase in volunteer support, DU was able to expand its Canadian efforts and initiate habitat development work here in the United States with our Wetlands America program in 1984. The need for such a program was evident. Wetlands in the continental U.S. have declined from an estimated 216 million acres in the late 1700s to less than 92 million acres today. An additional 450,000 acres are lost each year. DU's U.S. Habitat program initially covered a five-state

area which accounts for nearly 30 percent of the continent's waterfowl production. Alaska is the westernmost state; the others are located in a northern tier that includes North and South Dakota, Montana and Minnesota. Working with various state and federal agencies, DU biologists and engineers conduct on-site inspections of the potential project sites. Our organization then formulates the necessary engineering plans and contracts in-state construction firms to carry out the project work. As of August 15, 1987, we had completed 89 Wetland America projects impacting some 140,000 habitat acres in the previously mentioned states.

MARSH--(Matching Aid to Restore States Habitat)--the second major component of our Wetlands America progoram--was begun in 1985. This effort enables state wildlife agencies to apply for DU funds to acquire and enhance wetlands. The program provides money to these agencies in accordance with the particular state's DU income. Each state is eligible for 7.5 percent of the total income raised by that state's DU volunteers. The more money raised, the more funds are made available to the state's wildlife agency.

Another criterion for disbursement of the funds depends on how much money the state contributes to DU in relation to its state duck stamp sales. States contributing $1 or more per duck stamp sold receive funds as an outright grant. States contributing between 50 cents and $1 match each of DU's $3 with $1. For those making some contribution but in amounts less than 50 cents, states match DU's $2 with $1. States not contributing

duck stamp revenues match DU grants dollar for dollar.

As of August 15, 1987, DU's MARSH program boasted 30 completed projects in 19 states, impacting more than 20,000 habitat acres. Sixty-five additional projects have already been approved. Based on DU's 1986 income, an additional $3.3 million became available for this program's in-state use in 1987. The total funds made available for use since the MARSH program was established exceed $10 million.

Tackling the problem of disappearing wetlands becomes infinitely more manageable if you're supplied with detailed, up-to-date data indicating the rate and the quantity of the acreage being lost. Thanks to the efforts of DU's habitat inventory and evaluation personnel, we have already classified some 190,000 square miles of North America's prairie wetlands. Utilizing computer-generated wetland images obtained by NASA's Landsat 5 satellite, DU's inventory team plans to complete the mapping of the entire prairie pothole region spanning Alberta, Manitoba, Saskatchewan, North and South Dakota, Minnesota and Montana by 1990. The use of this remote sensing technology offers enormous potential for resource management in the future.

Mr. Chairman, I am taking the liberty of sharing some of this information with you and your subcommittee because I think it is important that you are aware of the wetland fund-raising experience which Ducks Unlimited has acquired over 50 years. Because our organization is non-political we do not often entertain various opportunties to testify before Congress, but the signing of the North American Waterfowl Management Plan on May 14, 1986, catapulted a fund-raising challenge into the private sector

conservation arenas of Canada and the U.S.--a challenge the likes of which none of us has seen before.

Ducks Unlimited salutes the innovative initiative exhibited by the Canadian and U.S. governments during the early 1980s which resulted in the creation of the Plan. DU's volunteer leaders and professional conservation staff are eager to implement the habitat protection provision of the Plan and are anxious to see a variety of NAWMP fund-raising momentums established which, over the course of 15 years, will generate the amount of monies needed to fulfill the plan's ambitious goals.

The establishment of such momentum, of course, is tied to S. 1389 which permits the expansion of the National Fish and Wildlife Foundation (NFWF).

The Foundation, like DU, is a most unique organization, as attested by the large number of programs it has established in such a short existence. Certainly the Foundation would have been deemed successful had it required the allotted time to use its initial authorization level. That it has need for additional authorization so soon is evidence that it is a concept and organization whose time has come. I suspect that even the generous authorization offered in S. 1389 will be found inadequate before 1993.

It is clear that the NFWF can play a critical role in the implementation of the Plan through the expenditure of increased appropriated funds on a private-sector matching basis. Sound, aggressive fund-raising programs are naturally the key to NAWMP success. DU is pleased at the response from various state

resource agencies to our own million-dollar challenge issued last spring. Nine states have, to date, pledged to contribute $800,000--monies that will eventually match the one million dollars DU has pledged to the NAWMP.

Those states are Arkansas, Illinois, Missouri and Tennessee in the Mississippi Flyway--at $100,000 each. Texas, at $100,000, and Oklahoma and Colorado at $50,000 each in the Central Flyway. There is New York, at $100,000 at the Atlantic. And California, at $100,000, in the Pacific. These states have generously pledged these monies in anticipation of other matching monies being available from the federal government and the government of Canada. Some states have conditioned their donation on this premise. Thus, if the NFWF cannot provide a match, the whole deal is off, so to speak. That is why S. 1389 is so timely and necessary.

If all participants give as planned, there will be $8 million available to begin implementation of the Plan's objectives. Though this ante may seem insignificant in light of the total $1.5 billion needed, what emerges as most important is the critical momentum all of us hoped to establish at the outset.

Ducks Unlimited plans to continue its pursuit of creative NAWMP fund-raising possibilities in conjunction with a number of major private conservation organizations in the U.S. In furtherance of this pursuit a meeting occurred here in Washington on July 5, 1987. The National Audubon Society, Izaak Walton League, the International Association of Fish and Wildlife Agencies, The Wildlife Society, National Wildlife Federation, Nature

Conservancy and National Fish and Wildlife Foundation all responded to an invitation from DU and the Wildlife Management Institute to consider NAWMP fund-raising possibilities for the remainder of 1987 as well as the years that lie ahead.

During this and previous meetings there was no philosophical reluctance on the part of the attendees to wholeheartedly endorse the purpose and objectives of the NAWMP. But actual funding of the Plan cannot realistically be carved out by the private sector alone. There must, in the future, be further antes of government monies if the $1.5 billion NAWMP poker pot is to be won on behalf of North American's wild waterfowl.

Meanwhile, what remains essential is the constant maintaining of clear communication channels among all of the Plan's private, federal and state participant players. Whether their respective funding possibilities involve land transfer tax options, a direct Interior appropriation or an amended Farm Act in which waterfowl habitat emerges with ever-increasing priority in the Conservaation Reserve or Farmers' Home Administration programs, each organization must take pains to inform all others what funding ideas it may have up its sleeve and what amount of money that organization is capable of generating in order to get its idea off and running.

One of the elements most encouraging about the Plan to Ducks Unlimited is the degree to which it has carefully been thought out. Its contents clearly articulate a number of goals and objectives which must be targeted, and respective price tags have been attached in a businesslike manner to each.

Habitat needs, for instance, are not defined haphazardly.

The Plan states simply that for duck production to be stabilized at adequate levels, the land use of nearly six million acres in North America must somehow be changed. In the United States, 1,084,00 additional acres of mallard and pintail breeding habitat must be protected and improved in the pothole area of the north central U.S.; 686,000 additional acres of mallard in pintail wintering habitat must be protected along the lower Mississippi River and Gulf Coast; 80,000 acres of wintering pintail habitat in the Central Valley of California, 60,000 additional acres of breeding and migration habitat in the Great Lakes/St. Lawrence lowlands; and 50,000 additional acres of migration and wintering habitat for black ducks along the East Coast.

In Canada, the acreage objective is even larger -- 3.6 million acres must be protected, developed, or have its land use changed to something more beneficial to waterfowl. Why is Canada so important? The simple answer is, as I mentioned previously, that about 70 percent of North America's waterfowl begin life there. These same waterfowl migrate to and through the U.S. each year providing millions of hunter-days of sport for America's waterfowlers and millions more days of observation and enjoyment by non-waterfowlers. While the United States contributes less than 30 percent of the waterfowl in the fall flight, we harvest about 70 percent. That is why Ducks Unlimited's founders and present members send their dollars to Canada for habitat development. Simply, it is in the best interest of the United States waterfowler to do so. For this reason Ducks Unlimited would support and encourage this committee to include in S. 1389

the provision of H.R. 2020 which would allow the Foundation to assist foreign entities in conducting activities of benefit to wildlife resources. It is in our own self-interest to permit this assistance.

In conclusion, Mr. Chairman, the goals and objectives of the NAWMP are very much in keeping with Ducks Unlimited's 50-year-old, singleness-of-purpose modus operandi. We consequently feel comfortable working in cooperation with other conservation organizations within the prescribed operating structure of the Plan. We, furthermore, take pride in the fact that for three years our own Wetlands America program has been conducting wetland restoration work in some of the very regions categorized by the NAWMP as key U.S. wintering and breeding habitat. We fully intend to maintain our track record of success and involvement and leadership.

Mr. Chairman, I thank you for this opportunity to appear before your subcommittee. Funding of the North American Waterfowl Management Plan is of utmost concern to us all, and the passage of an expanded S. 1389 will go a long way in helping the National Fish and Wildlife Foundation establish a fund-raising momentum which can continue through the years which lie ahead. The NFWF's capability of matching private-sector funds and putting those monies to work quickly and efficiently is critical to the Plan's success.

Meanwhile, I can assure you that as NAWMP funding gets underway, Ducks Unlimited will continue to offer plan supporters its unique brand of seasoned, fund-raising experience. DU plans to utilize this experience and leadership as it helps private-

sector conservation organizations seek the kind of funding mechanisms needed to make the NAWMP a Plan that really works.

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STATEMENT BY DR. JAMES H. PATTERSON
ON THE NORTH AMERICAN WATERFOWL MANAGEMENT PLAN
THURSDAY, SEPTEMBER 10, 1987
10:00 AM
406 DIRKSEN OFFICE BUILDING

Mr. Chairman, I am James H. Patterson, Director responsible for implementation of the North American Waterfowl Management Plan for the Canadian Wildlife Service (CWS) of Environment Canada.

My statement will focus on the implementation of the North American Waterfowl Management Plan, including a discussion of present and projected efforts by the Canadian Wildlife Service and other federal and provincial agencies to carry out this Plan.

The North American Waterfowl Management Plan was signed by Secretary of the Interior Donald Hodel and Minister of the Environment Tom McMillan on May 14, 1986. The Plan is the most important bilateral wildlife conservation agreement since the signing of the Migratory Birds Convention in 1916.

The Migratory Birds Convention has served North Americans and North American waterfowl very well. It has provided the basis for close cooperation between North American wildlife agencies that led to the restoration and wise management of many species of waterfowl. In spite of the successes of the

Convention, our shared waterfowl resource is now in jeopardy as a result of extensive degradation and loss of wetland habitat. Corrective actions are beyond the scope of the Migratory Birds Convention as well as beyond the capability of any agency, sector or country.

The Plan is an agreement between the United States and Canada on waterfowl population objectives, and the scope and the cost of actions that will be required to attain those objectives. The Plan is a blueprint for action, not a commitment by either government to bear the total cost or responsibility for its execution.

The North American Waterfowl Management Plan was produced by a team of American and Canadian wildlife professionals, all of whom have extensive experience in senior administrative posts. This team was perhaps the most experienced and talented group ever assembled to plan for the future of North America's waterfowl. It was the firm conviction of all members of the team that unless actions of the magnitude identified in the Plan were undertaken, the waterfowl resource that is shared between the United States and Canada would be in peril.

Since the signing of the Plan, this conviction has stood the test of time. There is growing recognition throughout the United States and Canada that the North American Waterfowl Management Plan constitutes the only hope we have of restoring this shared resource and preserving the tremendous benefits that both countries gain from healthy waterfowl populations.

The Waterfowl Management Plan recognizes the need for continued wetland protection efforts in both the United States and Canada. There are compelling reasons for both countries to direct funds to the protection and management of wetlands domestically. However, if it is our intention to restore duck populations to levels that are called for in the Plan, there must be coordinated actions to protect and enhance breeding habitat, much of which is in Canada. This fact was confirmed by the recent results of the 5-year study of Stabilized Hunting Regulations, a major cooperative undertaking by the U.S. Fish and Wildlife Service and the Canadian Wildlife Service. These studies clearly identified that degradation of breeding habitat was the primary factor affecting mid-continent ducks.

There are many vested interests in seeing the North American Waterfowl Management Plan successfully implemented. A 1981 national survey on the Value of Wildlife in Canada demonstrated that Canadians spent $1 billion on activities related to the use and enjoyment of waterfowl. This annual expenditure supports 40,000 jobs in Canada. I am sure that the waterfowl-generated economic activity in the United States is many times greater than this.

Implementation of the Plan is a win:win situation for all sectors in the United States and Canada with an interest in this waterfowl resource. By focussing the resources of the public and private sectors in both countries, we can ensure the restoration and enhancement of waterfowl and contribute economic benefits to all regions of North America that are many times greater than the investments required to implement the Plan.

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The North American Waterfowl Management Plan had its beginning in the late 1970s. Interior Secretary Mr. Andrus and Environment Minister Mr. Marchand, directed the U.S. Fish and Wildlife Service and the Canadian Wildlife Service to cooperate in the development of a North American Plan.

At the 1979 North American Wildlife and Natural Resources Conference, the U.S. Fish and Wildlife Service and the Canadian Wildlife Service were publicly charged by the Secretary and Minister with developing national waterfowl management plans as a first step towards the development of the North American Plan.

Although the Canadian Wildlife Service has played a lead role in national coordination, all aspects of the development of the Waterfowl Management Plan in Canada were cooperatively undertaken in full partnership with federal, provincial and territorial wildlife agencies and private sector conservation organizations. At each major point along the way, including the final version of the North American Waterfowl Management Plan, we received unanimous endorsement by federal, provincial and territorial wildlife ministers.

Involvement of the private sector has been substantial and there is widespread support for the Plan throughout the Canadian wildlife conservation community. The National Habitat Coalition, composed of thirty-seven (37) conservation organizations, representing a broad spectrum of conservation interests, have given strong support to the Plan.

During the early 1980s, intensive efforts were undertaken in Canada to develop a national waterfowl management plan and a framework for a North American Plan. This cooperative undertaking was completed in 1984 and, as mentioned earlier, received the unanimous endorsement of federal, provincial and territorial wildlife ministers.

Concurrent with the cooperative efforts to develop the Waterfowl Management Plan, the Canadian Government took the initiative to establish new funding and mechanisms for the Plan's implementation. It was recognized that a number of additional funding sources would be required. It was also recognized that in addition to program commitments by government wildlife agencies, new implementation capabilities with more flexibility would be required. This led to the creation of the Wildlife Habitat Canada Foundation by the federal government in 1984. Since 1985, all migratory game bird hunters in Canada are required to purchase the Canadian Wildlife Habitat Conservation Stamp. Total proceeds from the sale of the stamp are provided to the Wildlife Habitat Canada Foundation for habitat conservation purposes. The top priority of the Foundation's mandate is wetland conservation.

The creation of the Wildlife Habitat Canada Foundation and the implementation of the Canadian Wildlife Habitat Conservation Stamp as a licence requirement were part of both the authorization and appropriation process by the Canadian Government towards the implementation of the North American Waterfowl Management Plan.

Because development of the North American Waterfowl Management Plan took longer than originally anticipated, this action by the federal government to direct new money to the Plan implementation actually preceded the completion and endorsement of the Plan.

Prior to the signing of the North American Waterfowl Management Plan, Canadian conservation agencies agreed that funding for implementation of the Plan would be shared between the federal government, the provincial and territorial governments and the private sector. The federal government would endeavour to contribute $100 million to the Canadian share of approximately $250 million over the fifteen (15) year period of the Plan's implementation.

Saskatchewan made the first commitment in North America to implement the Plan. The Saskatchewan Cabinet has authorized and appropriated almost $50 million as their share of implementing the Prairie Habitat Joint Venture, subject to the other funding provisions of the Plan being in place.

In February of 1986, the Federal Cabinet authorized the Minister of Environment to sign the North American Waterfowl Management Plan on behalf of Canada. Put in terminology of the United States Congress, this Cabinet decision was the equivalent of an Authorization Bill. The next step in Canada is to work towards the appropriation of the federal government's share to implement the Plan.

A key element in this decision-making process is recognition of the immense value of waterfowl and the need to take actions. In a recent speech on the economy of western Canada, The Right Honourable Brian Mulroney released a document entitled "A Framework for Diversification in Western Canada". The document summarizes the current views of the federal government on the constraints and opportunities facing the western economy on a sector by sector basis. The following quote from the document demonstrates the level of awareness of waterfowl and wetland conservation:

> "There is an increasing economic and environmental focus on western Canada's wetlands and wildlife, especially waterfowl. Poor wetlands management not only endangers western wildlife but is having a negative impact on prairie agriculture by increasing soil erosion and soil and water degradation. Wildlife-related activities now represent a significant economic sector which could be put at risk unless remedial action is taken."

The North American Waterfowl Management Plan Committee as described in the Waterfowl Management Plan has been established. It has met four (4) times with the fifth meeting scheduled for later this month. The initial focus of the Committee has been to ensure the development of more detailed plans for implementing the specific joint ventures identified in the Plan. Considerable

progress has been made in each of the joint ventures. In fact, both the Black Duck Joint Venture and the Arctic Goose Joint Venture are already operating on approximately 50% of the resources called for in the Plan.

In response to direction from the North American Waterfowl Management Plan Committee, a Prairie Habitat Joint Venture Steering Committee was established in Canada. This group is composed of the Canadian Wildlife Service, wildlife agencies from Alberta, Saskatchewan and Manitoba, Wildlife Habitat Canada, Ducks Unlimited Canada, Delta Waterfowl and Wetlands Research Station and the Prairie Farm Rehabilitation Administration of Agriculture Canada. The first product of this group was the attached Prospectus of the Canadian Prairie Habitat Joint Venture. The Prospectus was reviewed and endorsed by the North American Waterfowl Management Plan Committee.

The North American Waterfowl Management Plan recognizes that habitat maintenance and enhancement are the most important factors in enabling waterfowl populations to grow to the levels called for in the Goals. The Plan makes the following general recommendations:

- Financial incentives may be needed to induce farmers and ranchers to manage their lands for waterfowl production - nesting and rearing habitat are most needed.

- Certain lands of extraordinary value as waterfowl habitat can best be preserved when they are acquired in fee title and retired from other uses. Only a limited amount of habitat can be preserved this way because of the high cost of fee acquisition and subsequent management costs.

- Local governments and public land management agencies should be encouraged to zone or otherwise regulate land uses to prevent the destruction or degradation of waterfowl habitats.

- Soil, water and wetland conservation should be promoted on private lands.

- The financial participation of private conservation organizations, such as Ducks Unlimited and Wildlife Habitat Canada, is critical to the implementation of the North American Waterfowl Management Plan.

- Existing public natural resource lands should be managed to increase their productivity and carrying capacity for waterfowl.

- Public works projects planning should include the prevention or mitigation of destruction or degradation of waterfowl habitats.

- Joint ventures should be encouraged as a means for governments and private organizations to cooperate in the planning, funding and implementation of projects to preserve or enhance waterfowl habitat.

- Responsibility for managing lands in Canada should reside with Canadian agencies. It is not intended that any funds raised in the United States be used for crop damage compensation payments in Canada.

Both the North American Waterfowl Management Plan and the Canadian Prairie Habitat Joint Venture Prospectus established that title or responsibility for managing Canadian habitat secured under the Plan will reside with Canadian interests. That is not to say that the long-term interests of funding agencies would not be protected. Once funding commitments are made to begin implementing the Plan, we foresee all funding partners negotiating a legal process that would ensure legal accountability for program implementation. The North American Waterfowl Management Plan Committee and the Prairie Habitat Joint Venture Steering Committee have not proposed a specific administrative structure or process. Rather, we believe in the principle that each American and Canadian interest group contributing to the implementation of the Plan should contribute to the development of a structure and process to ensure that their interests are protected.

One possible approach would be the creation of a legal entity called the Prairie Habitat Joint Venture with a Board of Directors made up of those organizations from the United States and Canada contributing to the implementation of the Plan.

The creation of the Wildlife Habitat Canada Foundation and the implementation of the Canadian Habitat Conservation Stamp Program was a first step by the Canadian Government towards the implementation of the North American Waterfowl Management Plan. The performance of Wildlife Habitat Canada in three short years has exceeded expectations. As noted by Mr. Neave in his testimony, new wetland protection agreements with major funding commitments are in place in most jurisdictions in Canada. Wildlife Habitat Canada served as a catalyst to foster new commitments by provincial and territorial governments and other private sector organizations towards wetland protection. Ducks Unlimited Canada is a substantial and dynamic player in many of these agreements.

It was on the basis of these new commitments to wetland protection throughout Canada that Canadian interests were able to respond to the financial challenge issued by the State of New York at the Executive Meeting of the International Association of Fish and Wildlife Agencies last December. Under the leadership of that organization, and in particular that of Past President, Mr. Gary Myers, the First Step Project for the North American Waterfowl Management Plan has evolved.

Although the North American Waterfowl Management Plan calls for 75% of the funds for the Prairie Habitat Joint Venture in Canada to come from United States sources and 25% of the funds to come from Canadian sources, it was agreed to launch a special First Step Project. On a one time basis, it was agreed that Canadian interests, from the new wetland agreements shown on the handout provided by Mr. Neave, would match up to $4 million from the United States to begin the implementation of the North American Waterfowl Management Plan immediately.

Once commitments are made to fund the First Step Project, all participating agencies from the United States and Canada will have a say in developing administrative structures to implement a program that will ensure protection of their interests. It would be premature to establish an administrative structure and process prior to knowing all of the players and their special circumstances.

In summary, Mr. Chairman, if our objective is to restore North America's waterfowl to the levels of only a decade ago, and share in the benefits they provide, it is imperative that we move towards the implementation of the North American Waterfowl Management Plan. From a perspective of shared natural resource management responsibilities, we have no option.

By pooling our commitments and resources, we can ensure that the immense benefits provided by abundant waterfowl are shared throughout North America. The Plan represents a good resource

management and business deal. It is also a deal that will be run in a business-like manner to ensure that waterfowl objectives are met and that the long-term interests of all participants will be protected.

In closing, Mr. Chairman, we have a window of opportunity in North America to launch the most important undertaking to enhance our shared migratory bird resource since the signing of the Migratory Birds Convention of 1916. It is a massive undertaking but as stewards of our migratory bird resource, do we have any choice?

Thank you.

Crater Hill Coalition
Box 419 Kilauea, Hi. 96754

Sept. 10, 1987

The Honorable Senator George Mitchell
Subcommittee on the Environment
Committee on the Environment and Public Works
United States Senate
Washington D.C. 20510

Attention: Honorable Sen. George Mitchell, Chairman
Members of the Subcommittee on the Environment
Re: S 1193

As Chairman of the Crater Hill Coalition, a standing committee of the Kilauea Neighborhood Association, and further representing some 3600 Petitioners, we heartily support Senate Bill 1193. Organizations supporting the acquisition of Crater Hill and Mokolea Point are listed as:

- Kauai County Council
- Hawaii State Government
  - Senate & House of Representatives
  - Dept of Land and Natural Resources
  - State of Hawaii Dept of Education
    - Kilauea School
    - Eleele School
    - Kapaa Elementary School
    - Hanalei School
    - Koloa School
  - Office of Hawaiian Affairs
- Associated Students, University of Hawaii
- Rotary Club of Kauai
- Kauai YWCA
- Kauai Historical Society
- Kauai Outdoor Circle
- Kauai Humane Society
- Kilauea School PTA
- Kilauea Neighborhood Assoc.
- Audubon Society Hawaii Chap.
- Sierra Club Hawaii Chap.
- Conservation Council for Hawaii
- The Ocean Recreational Council of Hawaii
- Pacific Seabird Group
- The Izaak Walton League of America
- National Wildlife Refuge Assoc.
- East & West Kauai Soil Conservation
- North Shore Businessmen's Assoc.
- Kauai Chamber of Commerce
- Kauai ILWU Local 142
- Kauai Coconut Coast Visitor Assoc.
- Hawaii Visitors Bureau-Kauai

In contemplating the vastness of the Northern Pacific Region, the Hawaiian Island Chain seems so miniscule. However, to its indigenous (federally protected) seabirds, these small bits of land are vitally important, being their sole source of reproduction. No matter how much food the immense Pacific Ocean offers, these seabirds must repeat the age old cycle of returning to land to replenish their species. In the major islands of the Hawaiian Chain, the land comprised of Kilauea Point, Crater Hill and Mokolea Point, represent the largest and nearly last of these nesting sites. As our island chain continues north of Kauai the islands become tiny rock and coral outcroppings. Only here can these birds find safe nesting grounds where no man is allowed free entry. It is in these places that our indigenous pacific seabirds flourish.

Why then, is the acquisition of Crater Hill Mokolea Point so important? It is the only place in our entire world where the public can actually see courting and nesting indigenous pacific seabirds as well as other forms of unique wildlife. During this year, the following wildlife, in rough order of their frequency, most first, were seen in the area: Red-footed Booby, Greater Frigate Bird, Wedge-tailed Shearwater, White-tailed Tropic Bird, Red-tailed Tropic Bird, Laysan Albatross, Spinner Dolphin, Pacific Green Sea Turtle, Brown Booby, Humpback Whale, Hawaiian Monk Seal, and the Newell Shearwater. In addition, some 15 native plant species were seen.

Further delays in acquisition, which has taken nearly 10 years, would not benefit anyone truly concerned with protecting the area's wildlife. With the opening of roads and the eventual building of homes, man and his pets will become more of a threat then ever before. Our government must provide immediate responsible stewardship by acquiring the land to truly enforce the seabird's "federally protected" status.

The owner of Mokolea Point has offered to sell the property to the U.S. Government. This offer expires at the end of this year. The rising real estate values during the offer period will make future attempts at acquisition improbable. Hawaii State Conservation ordinances have done little to protect the area. In 1973, Mokolea Point was entirely conservation zoned. Three subsequent Land Use Commission decisions over a ten year period, have decreased the 37 acre parcel to 20 conservation acres and 17 agricultural acres. Two appraisals of the this parcel have been completed. Both appraisals came in with values higher than the asking price of 1.5 million dollars. We must act now or forever lose it!

This bill should not affect the current negotiations between the U.S.Fish and Wildlife Service and the owners of Crater Hill. They are already bound by the County of Kauai zoning permit process to provide a wildlife management agreement with the U.S.F.W.S.

Ultimately, acquisition of both properties will provide immense public benefit. The U.S. Fish and Wildlife Service's mandate to "provide the widest possible spectrum of benefits" will be served. These benefits include:

1) Preserving the habitat for 8 species of federally protected seabirds.
2) Preserving some of the most scenic coastal views in the state of Hawaii.
3) Expanding the recreational and educational options for the nearly 400,000 yearly visitors to the area.
4) Providing tourists, the life blood of our island economy, with a quality wildlife experience.
5) Benefiting the local fishing industry by providing viable seabird colonies, which they are reliant upon to locate schools of fish.

In closing, our organization and many supporters who have all stepped forth to promote the protection of the area, humbly ask that deep consideration and approval be given to the Honorable Sen Matsunaga's Senate Bill 1193.

Respectfully yours,

Gary E. Smith
Chairman,
Crater Hill Coalition

Wildlife Management Institute
Suite 725, 1101 14th Street, N.W., Washington, D.C. 20005 • 202/371-1808

LAURENCE R. JAHN
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LONNIE L. WILLIAMSON
Vice-President
DANIEL A. POOLE
Board Chairman

September 10, 1987

The Honorable George J. Mitchell, Chairman
Senate Subcommittee on Environmental Protection
United States Senate
Dirksen Senate Office Building-458
Washington, D.C. 20510

Dear Chairman Mitchell:

The Wildlife Management Institute submits this letter for the official record in support of amendments (S. 1389 and H.R. 2020) to strengthen conservation and management of fish and wildlife through the National Fish and Wildlife Foundation.

Those legislative proposals seek to mold a new, much-needed international working relationship to enhance management of waterfowl and other migratory birds. This need for stronger efforts has been recognized for many decades, with some progress registered:

- Ducks Unlimited has spent U.S. dollars in Canada for a half-century to restore and enhance habitat for waterfowl.
- States have provided some personnel assistance and financial contributions for cooperative waterfowl population surveys and banding waterfowl since the late 1940s.
- Provinces and the federal fish and wildlife agencies have contributed to a number of projects to advance management of waterfowl and migratory birds.

These pioneering, continuing, important efforts deserve commendation. But additional efforts called for in the North American Waterfowl Management Plan, signed by representatives of Canada and the United States in May 1986, need prompt attention. That new plan outlines international projects to restore and maintain habitats through coordinated joint ventures. Such ventures on the breeding grounds are paramount, because it is the migratory birds produced there that migrate seasonally to migration and wintering areas, principally in the U.S. and Mexico.

The major prairie waterfowl breeding habitats in Canada and the U.S. are in trouble. Wetlands are being converted to other uses, and those that remain are being degraded. New approaches will be required to design programs that integrate waterfowl habitat features into prairie agricultural programs.

The National Fish and Wildlife Foundation is a unique organization that could, with adoption of all proposed amendments in S. 1389 and H.R. 2020, contribute immensely to advance implementation of the North American Waterfowl Management Plan. Among specific needs is authority to work closely with other countries, as called for in Section 201 of H.R. 2020.

Those amendments of habitat maintenance and management efforts are absolutely essential to accelerate rebuilding various waterfowl populations, some of which are at the lowest levels recorded in more than 30 years.

The Wildlife Management Institute strongly recommends increasing the authorities and capabilities of the National Fish and Wildlife Foundation to strengthen needed coordinated activities throughout North America to manage waterfowl and other migratory birds more intensively.

Your Committee has a rare opportunity to take precedent-setting action. We urge you to do so.

Sincerely,

L. R. Jahn

Laurence R. Jahn
President

LRJ:dt

100TH CONGRESS
1ST SESSION

S. 1143

To provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky.

IN THE SENATE OF THE UNITED STATES

MAY 6 (legislative day, APRIL 21), 1987

Mr. MCCONNELL (for himself and Mr. FORD) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law and within 180 days of the date of enactment of this Act, the Secretary of the Interior shall convey, without reimbursement, to the Commonwealth of Kentucky, all of the right, title, and interest, including the water rights, of the United States in and to the fish hatchery property located approximately 14 miles due north of the city of Frankfort in Franklin County, Kentucky and known as the Frankfort National Fish

Hatchery, consisting of 114.2 acres, more or less, of land together with any improvements and related personal property thereon.

(b) The property conveyed by this Act shall be used by the Kentucky Department of Fish and Wildlife Resources as a part of the Kentucky fishery resources management program and if it is used for any other purpose, title to such property shall revert to the United States.

100TH CONGRESS
1ST SESSION

S. 1193

To add additional lands to the Kilauea Point Wildlife Refuge on Kauai, Hawaii.

IN THE SENATE OF THE UNITED STATES

MAY 12 (legislative day, MAY 8), 1987

Mr. MATSUNAGA introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To add additional lands to the Kilauea Point Wildlife Refuge on Kauai, Hawaii.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL LANDS.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire certain additional lands adjacent to the Kilauea Point Wildlife Refuge on Kauai, Hawaii, which shall become part of the Kilauea Point Wildlife Refuge upon acquisition by the Secretary.

(b) DESCRIPTION OF LANDS.—The lands to be acquired pursuant to subsection (a) are—

(1) Crater Hill, comprising approximately 101.1 acres; and

(2) Mokolea Point, comprising 37.6 acres.

SEC. 2. CONSTRUCTION OF ACCESS FOOT PATH.

Upon acquisition of the lands described in section 1, the Secretary of the Interior shall construct and maintain a fence and access foot trails through such lands in order to provide wildlife protection and public access to such lands. Any trails constructed pursuant to this section shall be constructed in a manner consistent with preserving the wild and scenic beauty of the wildlife refuge.

SEC. 3. AUTHORIZATION OF FUNDING.

There is hereby authorized to be appropriated to the Secretary of the Interior $8,000,000 to be used to acquire lands and construct trails pursuant to the provisions of this Act.

100TH CONGRESS
1ST SESSION

S. 1389

To amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 1987

Mr. MITCHELL (for himself and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. ACQUISITION, MANAGEMENT, AND DISPOSAL OF REAL PROPERTY.

(a) IN GENERAL.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended by adding at the end thereof the following:

"(e) ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY.—(1) The Foundation may only use Federal funds for the acquisition of interests in real property if—

(A) the interest is a long-term property interest, and

(B) the Director of the United States Fish and Wildlife Service (hereafter in this subsection referred to as the "Director") consents to the acquisition in writing.

"(2) The Foundation shall convey to the United States Fish and Wildlife Service for inclusion within the National Wildlife Refuge System any real property acquired by the Foundation in whole or in part with Federal funds if the Director, within one year after the date on which the property was acquired by the Foundation, requests the conveyance in writing.

"(3)(A) Subject to subparagraph (B), the Foundation may—

"(i) convey to another person any real property acquired in whole or in part with Federal funds and not conveyed under paragraph (2); and

"(ii) grant or otherwise provide Federal funds to another person for purposes of assisting that person to acquire real property in whole or in part with such funds.

"(B) The Foundation may only make a conveyance or provide Federal funds under subparagraph (A) if—

"(i) the conveyance or provision is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation and management of fish and wildlife and in a manner that will provide for appropriate public access and use; and

"(ii) the Director finds that conveyance or provision of Federal funds meets the requirements of clause (i) and consents to it in writing.

"(4) All real property acquired by the Foundation in whole or in part with Federal funds and held by it shall be administered for the conservation and management of fish and wildlife and in a manner that will provide for appropriate public access and use.

"(5) The Foundation shall convey at not less than fair-market value any real property acquired by it in whole or in part with Federal funds if the Foundation and the Director determine, in writing, that—

(A) the land is no longer valuable for the purposes of fish and wildlife conservation or management, and

(B) the purposes of the Foundation would be better served by the use of the Federal funds for other authorized activities of the Foundation.".

(b) CONFORMING AMENDMENTS.—(1) Section 4(c)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C 3703(c)(2)) is amended by striking "therein;" and inserting in lieu thereof the following: "therein, subject to subsection (e);"

(2) Section 7(b) of such Act (16 U.S.C. 3706(b)) is amended by inserting before the period the following: "; and a description of all acquisition and disposal of real property that is subject to section 4(e).".

SEC. 2. REIMBURSEMENT FOR ADMINISTRATIVE SERVICES.

Section 5 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3704) is amended—

(1) by inserting "(a) PROVISION OF SERVICES.—" before "The Secretary";

(2) by striking out "Act," and all that follows thereafter and inserting "Act."; and

(3) by adding at the end thereof the following:

"(b) REIMBURSEMENT.—The Foundation may reimburse the Secretary for any administrative service provided under subsection (a). The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of the Interior for each of fiscal years 1988 through 1993, inclusive, not to exceed $5,000,000 to be made available to the Foundation—

"(1) to match partially or wholly the amount or value of contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies; and

"(2) to provide administrative services under section 5.".

○

79-530 (128)